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S. HRG. 101-110

AVIATION SECURITY

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

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AVIATION SECURITY

TUESDAY, MARCH 14, 1989

U.S. SENATE,
SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 1 p.m., in room SD-124, Dirksen Senate Office Building, Hon. Frank R. Lautenberg (chairman) presiding.

Present: Senators Lautenberg, Harkin, Mikulski, D'Amato, Kasten, Domenici, and Grassley.

DEPARTMENT OF TRANSPORTATION

SECRETARY OF TRANSPORTATION

STATEMENT OF SAMUEL K. SKINNER, SECRETARY OF TRANSPORTATION ACCOMPANIED BY RAY SALAZAR, FAA AVIATION SECURITY

OPENING REMARKS OF SENATOR LAUTENBERG

Senator LAUTENBERG. We are going to call the hearing of the Subcommittee on Transportation of the Senate Appropriations Committee to order.

I am joined here by my distinguished colleague, Senator D'Amato, who is the ranking Republican member of this subcommittee, with whom I have worked very closely on transportation matters.

We are pleased to have Secretary Skinner from the Department of Transportation with us, and we will be reviewing testimony from several panels.

We have got a long hearing, but there are some things that need to be said early on.

On December 21, 1988, Pan American Flight 103 was brought down over Lockerbie, Scotland. It was brought down through an act of terrorism. A total of 259 people on board were murdered, and another 11 were killed on the ground.

It was one of the most massive terrorist attacks in history aimed at American citizens. It was an attack on our Government. It was an attack on our people just like a bombing of one of our embassies. Our fellow citizens on that tragic flight represented all of us.

How do we console the wife who has lost a husband, or a husband who has lost a wife? How do we console children who lost parents and parents who have lost children? Perhaps there is no way.

But what we must do is to take the steps necessary to make sure that others are spared the anguish that these families experienced.

What I have learned already about the tragedy of Flight 103 forced me to examine, to review the shortcomings of the response from several sources, Government included.

Now, from what I have heard I am not certain that our Government has been as responsive as it should have been. I am impressed by the families' willingness to put aside their grief momentarily in the interest of preventing future tragedies. I applaud their bravery to examine the case over and over again, sensing how painful it must be because of their interest in the security of others.

Yesterday, I, with Secretary Skinner, visited the Federal Aviation Administration's Technical Center in Pomona, NJ. We reviewed the progress on their attempts to find technological answers so that we might fight terrorism more effectively.

We need to use this country's resources to help solve these problems so that we can prevent terrorism by detecting explosives before they unleash their lethal power.

That is not all. We need to make sure that the agencies charged with protecting our citizens here and abroad have the resources to do the job. We need to make sure that our citizens are kept out of harm's way. We need to make sure that people like Rashid and Hamadei, terrorists, are prosecuted to the full extent of the law, and we need to make sure that all parties involved with aviation, whether it be government or aviation companies or employees, are fully committed to stopping these terrorist acts.

I am committed to make sure that this subcommittee does everything within its power to prevent attacks like the one that occurred with Pan Am 103.

Now, we are going to be short of time today. We have a lot of ground to cover. We have a large number of panels. I would invite my colleague and ranking member of this subcommittee to make his opening statements and then we will go to the witnesses and we will ask as much as possible for summary statements so that we can proceed with the questions.

Senator D'Amato.

STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM NEW YORK

Senator D'AMATO. Well, Mr. Chairman, let me thank you for calling this hearing as expeditiously as you have. And thank your staff for their work in this matter.

Let me also join with you, Mr. Chairman, in extending my deepest condolences to the families and to the friends of those aboard Flight 103. A number of them are here today.

Mr. Chairman, I requested this hearing because I have some very serious doubts, as I know you do, and concerns about the sufficiency of our Government's response in the wake of the Pan Am disaster.

Just last Friday I received a letter from CIA Director Webster in which he pointedly referred to an ongoing, and I quote, "significant criminal and terrorist threat to commercial carriers generally."

As Director Webster further stated, and I quote, "The greatest continuing terrorist threat to American travelers will be that of attack by Middle Eastern terrorist groups against United States and Israeli interests abroad."

Now, just how well are we prepared to meet these heightened risks? Can we reasonably assure international air travelers that the kind of tragedy we saw on Pan Am 103 will not happen again or, at the very least, that we will take every possible conceivable step to minimize them?

I think we have a lot of work to do before such assurances can be made.

Tomorrow, Mr. Chairman, I will be introducing legislation to help ensure that our Government makes information about credible threats to airlines security available to all passengers and all flight crews. Never again should just a few officials be warned, as it was apparently the case. Never again.

And I am heartened by Secretary Skinner's public comments and comments to this committee should there be a double standard as it relates to giving information to some and not to those, the traveling public and the flight attendants.

Mr. Chairman, I know there are many questions and questions about whether or not such legislation would jeopardize air travelers, would create chaos. It is certainly not intended to do that, but I don't think we should jeopardize people's lives for a profit, and I think there is a manner in which we can enact and implement legislation that will ensure that to the best of our ability that such an event, such a terrorist act, will not take place in the future and that people will have a fair opportunity to be—to make a judgment as to whether or not they are going to use that mode of transportation where there is the so-called credible threat.

Mr. Chairman, I thank you for calling this hearing again as expeditiously as you have, and I know that the families of the victims are deeply moved by your speedy consideration.

Senator LAUTENBERG. Thank you very much.

In order to move the hearing along, we are not planning to take any statements other than the chairman and the ranking member. In fairness, however, to the Senators present, we will take a short summary of any opening statements that you might make and ask that you submit the full statement for the record.

Senator MIKULSKI.

STATEMENT OF HON. BARBARA A. MIKULSKI, U.S. SENATOR FROM MARYLAND

Senator MIKULSKI. Thank you very much, Mr. Chairman. I do ask unanimous consent that my statement be included in the record.

Senator LAUTENBERG. Without objection.

[The statement follows:]

STATEMENT OF SENATOR MIKULSKI

Thank you, Mr. Chairman. I want to thank you for calling this hearing on aviation security. I understand that we will hear from three families of victims of the explosion and crash of Pan Am 103. I want to welcome Mr. Ammerman, Mr. O'Connor and Mrs. Coker. I hope that what we hear today from Secretary Skinner, the State Dept. and the industry will give some assurance that steps have already been

taken to reduce the risk of this kind og tragedy from happening to other American families.

But I have to tell you, Mr. Chairman, that I am frustrated at having to make this vow. I'm frustrated at having to say never again, over and over again. Because while we are here with these three families, and on behalf of the families of all 259 passengers and crew of Pan Am 103 and the 17 Scottish residents of Lockerbie, we can still remember the Navy diver Robert Stetham and the Greek Demetra Stylianopoulos, Maria Klug and granddaughter family lost over the Aegean. And we must demand that this Government, across all agencies and departments, has a *sustained* interest in security from terrorism, not just when there has been a recent attack.

I want to acknowledge the representatives from the Pilots Association and the Association of Flight Attendants. Over the years there has been account after account of heroism on the part of pilots and flight attendants in the face of terrorism. It is not enough that we ask them to fly the public safely. We ask them also to be the front line of counter terrorism.

Senator D'Amato, the Nation could not ignore how the Pan Am tragedy touched residents of your State with the loss of so many fine young students from Syracuse University. But there were also seven Marylanders aboard Pan Am 103, among them Lt. George Williams who grew up in Jappatowne, Lindsay Otenasek who went to Western Maryland College, Michael Bernstein who left behind his wife and two children, and Karen Noonan who was a high school student in Montgomery County. Mr. Chairman, if I may, I would like to make a personal note.

My father passed away a few days before the attack on Pan Am 103, and in the midst of my own mourning, I heard about the tragedy in Scotland. Soon afterward, I called the seven Maryland families as a fellow mourner. My father lived to be 79. He died of Alzheimer's. His life was not cut short by terrorism. Still, because of my loss I felt close to the Pan Am victims' families. One of those families, Rosemary and Larry Mild, are the parents of Miriam Wolfe who died in the attack.

The Milds, with great courage, have reflected upon their loss and written a proposal that has six suggestions that might help to prevent future acts of terror. I have forwarded copies of their proposal to Secretary of State Baker and to the FAA. Mr. Chairman, I would like to submit their proposal, as printed in the Baltimore Sun, for the record. I would like to return to its specific points later whan there is time for questions. But now I would just like to read an excerpt from their proposal.

"With the loss of our beloved Miriam, our thoughts on terrorist atrocity gain urgency not only for us who loved her, but for the thousands of other lives that will be no more if we do nothing."

Mr. Chairman, we must have better detection of explosives, better methods to check baggage and better intelligence on terrorist activities. And to echo the words of the Senator from New York, there should be no double standard on the release of security bulletins. And now, I'm anxious to hear what steps are being taken.

Senator MIKULSKI. Mr. Chairman, I want to thank you for holding this hearing. As the Senator from Maryland now, I have been to the funerals of seven victims of terrorists.

I have been at Arlington with Navy diver Stetham's family, and we said, never again.

I was at a Greek Orthodox church in Baltimore for a family whose loss came when the door was blown out of a flight to Athens in which a grandmother, her daughter, pregnant, also was blown to bits, and I stood there with her son, the widower, and said, never again.

And then seven Marylanders died on Pan Am 103, and I called their families, family after family. I did not know them, but gosh, I would have wanted to after hearing their backgrounds.

But I was at the Israeli Embassy when they gave one of my Pan Am 103 victims a medal, Mike Bernstein, who was a Nazi hunter working for the Justice Department. And again we said, never again.

So, Mr. Chairman, I would hope that now our terrorism policy is not event-based, but that we have a clear, sustained, reliable, nononsense policy on antiterrorism because I think that we cannot

continue to say never again only to have it happen again and again, and I look forward to working with you on such a national policy.

Senator LAUTENBERG. Thank you, Senator Mikulski.

Senator Grassley, with the same thing in mind. If you have a summary statement, we would welcome it now.

STATEMENT OF HON. CHARLES E. GRASSLEY, U.S. SENATOR FROM IOWA

Senator GRASSLEY. Mr. Chairman, in my thoughts on this I feel very confident that something can be worked out because terrorism is an act against all humanity, against any nation, and I think that we not only through our leadership can get international cooperation, but international cooperation is a must. And it seems to me like the desire of nations to work with us in this war, a litmus test of friendship ought to be a willingness to work internationally to accomplish this goal because it will not be accomplished any other way.

And surely any nation that does not want to work in an international effort to accomplish this is not putting its actions where its mouth is if it is not willing to do that. And so I look forward to that approach, Mr. Chairman.

Senator LAUTENBERG. Thank you very much, Senator Grassley.

Now, Mr. Skinner, we welcome you to this hearing and look forward to working with you on these problems and await your testimony in as brief a form as you can give it and still cover the points you want to make.

STATEMENT OF SECRETARY SKINNER

Secretary SKINNER. Yes, thank you, Mr. Chairman. I would ask that my full statement be incorporated and made a part of the record, and I would summarize a few observations.

First of all, let me say that as I indicated a few minutes ago to others, there is no higher priority in the Office of the Secretary of Transportation than in dealing with the problem of terrorism in the air.

I attended the International Civil Aviation Organization [ICAO] Conference in Montreal as one of my first acts as Secretary of Transportation. Not a day goes by, even in these times of other crises, that I have not devoted a portion of my day to dealing with the problem and what our response is going to be.

There is no question that it is a formidable task. It is a complicated task. It is a task that we must achieve, and we must do it as soon as we practically can.

I believe that in a number of areas we have already taken steps and have in place a program that is effective and responsive to combat terrorist acts.

For instance, we have increased this year and in our next year's budget the civil aviation security work force employment by over 35 percent. In addition, those people are working overtime now to make sure that we are doing everything we can within the civil aviation security branch to deal with this problem.

In addition, we are spending millions of dollars and have increased our budget to educate and train people from throughout

the world to deal with this problem. We can enlist the resources of the many nations of the world to help us deal with this global problem.

It is not a problem that we can solve ourselves. We must have the cooperation of foreign governments, foreign government personnel, and foreign commerce personnel in aviation. We are in the process of enlisting that support every chance we have.

THERMAL NEUTRON ANALYSIS SYSTEMS

We are, in addition to investing human resources, continuing as a top priority research into new technology in the area of aviation security.

You and I had a chance yesterday to review the progress of that effort and in particular we reviewed the progress of the thermal neutron analysis [TNA] units that we have been working on. We have ordered six of these units on an accelerated delivery schedule with plans to install the first unit at JFK Airport in June of this year. We will be increasing by 6 months the delivery schedule on the remaining units so we can place them in strategic places throughout the country.

VAPOR DETECTION SYSTEM

Research continues on the vapor detection system for explosives, and we are continuing to look at other possible solutions and technologies available. We have increased our budget for research and development for fiscal 1989, and I would remind the committee that over $60 million has been spent since 1980 on research and development. I believe that the FAA Technical Center is clearly the leading source in the world of research information on the subject of terrorism technology.

ICAO SESSION IN MONTREAL

Last month I attended, as one of my first acts as Secretary of Transportation, the International Civil Aviation Organization [ICAO] Conference. It was called at my request along with the Transport Minister of Great Britain to deal strictly with what can be done in the international aviation community to increase security measures throughout the world.

And, as a result of that 2-day meeting, the 33-member ICAO conference unanimously adopted a resolution setting out a plan of action which I am confident will lead to strengthened security procedures throughout the world. It is a concern not only of government and those who have lost loved ones, but of the American people and the traveler throughout the world. It is a matter of top priority, and I suggest that we must do everything we can.

AMENDMENT OF FEDERAL AVIATION REGULATION 129.25

Today I have announced the decision to amend Federal Aviation Rule [FAR] 129.25 which from now on requires foreign carriers to submit their security plans to the FAA for approval.

I think this sends a strong message to carriers throughout the world that the Department of Transportation in very quick fashion

will deal with these problems and take whatever steps are necessary.

I might add that the timing of the Notice of Proposed Rulemaking and the implementation of the rule is one of the fastest in recent history in the Department.

There is nothing we can do to replace the loved ones who have been lost, but I think we can learn from them. We must do everything we can to ensure not only that this doesn't happen again, but that we are doing everything we can to deal with this problem. And I have pledged to them as I pledged to you, that there is no matter of higher priority within the Department or the Federal Aviation Administration.

PREPARED STATEMENT

I will be glad to take any questions. I might add that I have Mr. Ray Salazar from the FAA, one of the world's leading experts on this technology with me today to answer any technical questions that I am not comfortable answering.

[The statement follows:]

STATEMENT OF SAMUEL K. SKINNER

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to appear before the Subcommittee today to describe the Department's efforts to combat terrorist threats against civil aviation.

As the recent destruction of Pan Am Flight 103 tragically reminds all of us, despite worldwide efforts to strengthen security, civil aviation continues to be a target for, and vulnerable to, criminal and terrorist acts. The international aviation community—my Department, the State Department, foreign civil aviation authorities, the airlines and airports, law enforcement and intelligence agencies, and the dedicated men and women who are on the front lines screening passengers, checking baggage, and handling cargo—has taken tremendous strides to make the system safe and secure. Yet, we can and must do more to thwart the cowardly and despicable acts of terrorists.

The challenge we face is a formidable one, for we live in a dynamic world where, as technology and political agendas change, so also do the threats against civil aviation. Where hijacking was once the preferred form of terrorist activity, today's terrorist has all too frequently turned to sabotage—wantonly aimed at the total destruction of aircraft and their precious human cargo. Through the 1970s and into the 1980s, concerted action by the world aviation community stemmed the hijacking menace: there were only two attempted hijackings of U.S.-registered aircraft last year; and the number of attempted hijackings of foreign airlines was half of what it was earlier in the decade.

In the past several years, though, the world has been witness to four horrific acts of sabotage: Air India Flight 182, TWA Flight 840, Korean Air Flight 858, and most recently Pan Am Flight 103. The primary lesson to be learned from these far flung and diverse acts of terrorism is that we must continue to build on the solid foundation of security measures built over the last decade and a half. We must continue to evolve strong yet flexible approaches that will bring our best technology, and our best people to bear on this problem. The process of reviewing, refining, and redirecting aviation security must be continuous.

A number of effective and responsible approaches are being pursued. They include:

—the Federal Air Marshal Program;
—effective passenger and baggage screening techniques;
—imposition of extraordinary security measures in special circumstances;
—worldwide use of x-ray and metal detecting equipment;
—in-depth assessments of U.S. and foreign airport security;
—tightened control of access to aircraft and security sensitive areas; and
—research and development of new security techniques and technologies;
—analysis of intelligence on terrorist activities;
—technical assistance and training.

Whenever necessary, we have sought additional resources to strengthen our security-related activities. This fiscal year, we are increasing the FAA's civil aviation security work force by an additional 56 personnel, and have requested 120 more security positions in our fiscal year 1990 budget, which will bring the total security force to almost 700. These additional employees will help significantly in responding to international threats and to continue to improve security here in the United States.

In addition to investing in human resources, we believe that continued investment in new technologies will reap great returns for aviation security.

We are accelerating the delivery schedule of the thermal neutron analysis (TNA) units we have ordered for explosives detection. This remarkable system is the result of 3 years of FAA-directed research on ways to detect all commercial and military explosives that might be concealed in checked baggage and air cargo, including otherwise hard to detect plastic explosives. Prototype TNA systems were tested at the Los Angeles and San Francisco Airports during June 1987-March 1988.

Six TNA units will be delivered and in operation during the June 1989 to January 1990 time frame, six months ahead of schedule. This equipment shows great promise for effectively screening passenger luggage. Our experience examining over 30,000 bags using thermal neutron analysis demonstrated that it could screen baggage with a high success rate (95 percent) and a low false alarm rate (4 percent). I should add that the high success rate was attained in finding minimal quantities of explosives, and would be even higher with larger amounts of explosive material.

Research is also underway on a vapor detection system for checking people for explosives. Last October at Boston Logan Airport, we tested a prototype walk-up explosive detection booth designed to detect the entire spectrum of explosives that may be carried by saboteurs. The false alarm rate was exceptionally low—less than 1 percent—but the time to screen each passenger was about 30 seconds. The manufacturer is working now reducing that time frame to about 6 seconds per passenger and on increasing the sensitivity of the device. We hope to have the improved device available for testing late this year.

We also are continuing work to develop improved weapons detection capabilities, including efforts for the detection of plastic weapons, and are conducting an evaluation of state-of-the-art detection equipment now available commercially. Further, we continue to solicit new ideas from the scientific and academic communities with a view toward identifying and developing additional tools to enhance security.

Overall, in fiscal year 1989 the FAA's R&D budget for these new technologies is $8.6 million. In fiscal year 1990 we have requested $9.1 million, an amount that I believe is adequate to advance these programs at an expeditious pace.

While we continue to pursue these domestic initiatives, we are also working in the international arena to develop uniform approaches to combat terrorism in the skies. As you are aware, the International Civil Aviation Organization (ICAO) already has in place a set of security standards and recommended practices, incorporated into Annex 17 to the Chicago Convention. One hundred fifty-nine countries have acceded to that convention. We believe the measures set out in Annex 17 are fundamentally sound, but, like our own security measures, they must periodically be reviewed and updated.

Last month, as one of my first official acts as Secretary of Transportation, I attended a Council Session of the International Civil Aviation Organization called specifically to address the sabotage of Pan Am Flight 103. Reflecting the seriousness with which such criminal acts are viewed, I was joined at that session by nine other ministers responsible for civil aviation as well as 23 additional countries' permanent ICAO representatives. I had the opportunity to speak with each of those ministers in the course of the two-day ICAO meeting and with many of the other senior government officials present, and can assure you that they are willing to join us to do all that is necessary to make international civil aviation secure from terrorist acts.

As a result of that meeting, the 33-member ICAO Council unanimously adopted a resolution setting out a plan of action that, I am confident, will lead to strengthened security procedures throughout the world. Specifically, as a matter of highest priority, ICAO will review existing international standards applicable to all operations to determine what changes are necessary in light of recent events. It will also consider developing a set of extraordinary measures to put in place when increased threat levels exist. Further, we agreed to expedite research and development on detection of explosives and to explore the possibility of establishing an international regime for the marking of explosives. Over the coming weeks and months, we will be devoting a great deal of attention to ICAO and its security-related work.

Aviation security is a matter that concerns not just us public policy makers, but air travelers as well. The proposal has been made that the government should let

the public have more information about the threats made against civil aviation so that prospective travelers can make their own judgments of the risks confronting them and decisions about when, where, and with whom to fly. This is a question we have devoted considerable thought to over the years.

My answer is this: any time we believe that general or specific threats to civil aviation cannot be effectively countered by the security measures available to us, our airlines, and our aviation partners, we take action. We are prepared to cancel endangered flights or discontinue service altogether to and from airports and countries where our citizens and airlines cannot be assured that risks will be kept to a minimum. We work with the State Department to assure that travel advisories are issued when and where justified. And, of course, we work with the intelligence agencies to obtain, evaluate, and act on information about threats against civil aviation. This is a process that operates continuously, regardless of whether overt or specific threats have been received.

To flood air travelers with information on threats against civil aviation would seriously confuse everyone, and would not improve air safety, either system-wide or for individual travelers. In the United States alone there are, on average, between two and three threats made against aircraft or airports every day. The vast majority of these are anonymous threats that have no credibility; they are also threats that our security system is adequate to handle. If we add to this the numerous threats that are made against civil aviation around the world, publishing such information would wreak unnecessary havoc with the international civil aviation system. It would also increase the incentives for terrorists and other persons to make real or bogus threats, and, ultimately, would come to be largely ignored when travelers realize that virtually all anonymous threats and volunteered information are groundless.

Again, let me emphasize that when we believe an element of the civil aviation system cannot be adequately protected against a credible threat from someone or some organization with the clear intent and capability to carry out a criminal act, the U.S. Government will: 1) recommend that airlines cancel threatened services; and 2) if necessary, issue a public travel advisory to alert air travelers.

To make certain we know what all carriers serving the United States are doing to secure their operations against criminal and terrorist acts, we will shortly be issuing an amendment to Federal Aviation Regulation Part 129.25 to require foreign airlines to submit their security plans to the FAA for approval. We will use the standards and recommended practices contained in ICAO Annex 17 as the yardstick against which those plans will be measured. In taking this action, we will be better able to insure that the security precautions followed by foreign airlines serving the United States are adequate to meet the threats ascribed to those operations.

Finally, I would stress that our minds are open to new ideas on ways to improve aviation security. I have met with the heads of all of the major U.S.-flag international carriers to discuss this and other issues, and we have listened carefully to the proposals put forward by the Air Transport Association on the airlines' behalf. We have formed a special team in the Department to develop and evaluate a full range of concepts on how we and the rest of the international aviation community can make the skies safer and more secure. As that team pursues its work, if we find that the Department's existing programs need to be augmented, I will not hesitate to reprogram funds to make certain that we are able to carry out our important responsibilities.

We have made significant strides in designing and developing systems to protect the traveling public, but, as I stated at the outset, we must continue to improve. We must remain vigilant to counter new tactics and new equipment employed by terrorists. We look forward to the subcommittee's continued support as we explore new security concepts and advance the state-of-the-art in weapons and explosives detection.

That completes my prepared statement, Mr. Chairman. I would be pleased to respond to any questions you may have at this time.

ICAO CONFERENCE

Senator LAUTENBERG. Thank you very much, Mr. Skinner. What I would like to do is to try in the amount of time that we have to make sure that the record clearly reflects our concerns and your responses. We do reserve, and I am sure that you have no objection, the opportunity to keep the record open for a while so that we

can submit questions to you. We ask for as prompt and thorough a response as you can give us.

Mr. Secretary, you just got back from the Montreal conference and you said that some of the 33 nations that participated were fully supportive. May I use fully supportive? Is that an accurate description of your response of our efforts to combat terrorism?

Secretary SKINNER. I think that they are fully supportive. Unfortunately, I think they and I disagree on what fully supportive means in their minds. They were fully supportive of the resolution to begin immediately to change the rules of ICAO to deal with this problem and to tighten security measures throughout the world.

I think they are not fully supportive of some of the suggestions and programs that we have imposed on American flag carriers. They are not as fully supportive of those measures as we might like them to be.

Senator LAUTENBERG. So, they are not signed on necessarily to an agreement to install equipment if it becomes available? They are not necessarily signed on to the installation of procedures that we would consider those best suited to fight this war? I assume that is a correct statement?

Secretary SKINNER. Well, it is mixed. There are some countries that are as dedicated as we are and as fully supportive in my definition as we have tried to be. There are others that do not perceive their threat as significant or who have serious financial reservations concerning the technology. They do not perceive the threat as great for their countries—and I think erroneously. I do not know that terrorists have a monopoly on just one country.

They do not fully understand yet the need for a global program of antiterrorism. And I think the process in Montreal went a long way toward educating them of this need.

Senator LAUTENBERG. Regarding the rule change that you say you want to make, I assume that it would put pressure on our friends with whom we have aviation routes in common, where their airlines service our country and vice versa. And I hope, Mr. Secretary, that you are going to be able to exert as much pressure as you can.

This is not an issue that ought to be governed by the economics of the situation. It is much more requiring than that, when we think about the number of people who travel each day and each year between our country and other nations.

It would not take a lot if we muster the full resources and ask, as I am sure we could, the passengers to pick up part of the revamping of the system to make it work more effectively. I think we would get a pretty good response. I think we would get the kind of promptness that we need in this case, and once again, I would urge you to use whatever power your office can muster to do that.

THREAT AGAINST PAN AM FLIGHTS FROM FRANKFURT

Mr. Salazar, you are someone who has worked for a long time in these areas, and I just want to make sure that the record is very clear regarding the threat made specifically against Pan Am prior to December 21.

Was the basis for the security bulletin that was sent to our embassies a threat made directly against Pan Am flights from Frankfurt to JFK for a certain time period? When was the threat received if the answer is yes?

Mr. SALAZAR. The threat, sir, was made on December 5. It was a threat received at a State Department facility that was directed against a Pan Am flight. The threat was a possible bombing involving what we characterize as a dupe, sir, someone who unwittingly may carry an explosive device on board an air carrier. It was made for a flight between Frankfurt and the United States. It was specific in its identification of the duped courier. The timeframe was extended for an approximate 2-week period following December 5.

Senator LAUTENBERG. So we had a significant threat and we did have a warning, a serious warning about the fact that there would be an attempt on a flight going between Frankfurt and the United States, specifically earmarked to Pan Am?

Mr. SALAZAR. I should point out as well, sir, that the post-investigation of that particular threat has proven it to be totally a hoax. At that particular time, however, in response to your question, the threat was specific enough, the tactic was specific enough and had been used against civil aviation in the past, that we did in fact take it seriously at that time.

Senator LAUTENBERG. In previous testimony, it was determined that three governments believed that the threat was a hoax. You say that. Was it concluded by all three nations who had this notice that the threat was a hoax?

Mr. SALAZAR. Yes, sir; it was.

Senator LAUTENBERG. Was the security bulletin withdrawn after it was believed that this was not a serious threat?

Mr. SALAZAR. No, sir; it was not. It ran the course of the threat. The timing on that was such that we did not learn of the conclusive evidence of the determination as a hoax until close to the time of the expiration of the timeframe.

Senator LAUTENBERG. Did Pan Am know that the threat was a hoax?

Mr. SALAZAR. We advised Pan American, yes, sir.

PAN AM SECURITY ACTIONS

Senator LAUTENBERG. What additional security actions did Pan Am take in the wake of the security bulletin? And what changes did they make after December 10, to your knowledge?

Mr. SALAZAR. I should point out, Mr. Chairman, that part of the assessment of that particular threat was one of our own capabilities, the FAA's, and the U.S. Government's capability, to counter that particular threat. We reviewed our own security measures to determine if they were adequate, for flights from Frankfurt, to counter this particular threat.

Pan Am, after their advisement, informed us that they, in fact, looked for the specific threat. Again, it was specific to the sex of the courier, the nationality of the courier, the passport of the courier, and the timeframe. And within that timeframe, Pan Am has assured us that they, in fact, intercepted at least three people fitting that particular description.

Senator LAUTENBERG. Right. But didn't that alert us or didn't that cause us to raise our concerns and to plan to thwart that threat?

Mr. SALAZAR. As a result of that particular threat, sir, we reviewed our existing measures. In a number of countries where U.S. carriers operate, in Europe and the Middle East, they are required to implement extraordinary security measures. It was a review of these extraordinary procedures that occurred and a reverification that in fact these were adequate to counter that specific threat.

Senator LAUTENBERG. That specific threat? We are talking about, I think your reference was to a dupe. If I am not mistaken, that is a person who would carry something unwittingly or unknowingly carry explosive material aboard. What was the date that it was believed that this threat was a hoax? When did that clear the deck as far as you were concerned? We originally heard about it on December 5, am I correct?

Mr. SALAZAR. That is correct. We issued a bulletin on December 7, sir. The specific date, I do not recall at this time, sir, but it was very close to or perhaps even went beyond the timeframe of the original threat.

Senator LAUTENBERG. But once it was established or it was believed that this was not going to be the route taken by the terrorists, what changed, if anything, before the fateful day in terms of precautions or procedures to continue the pressure against the possibility of a terrorist attack?

Mr. SALAZAR. We did not discount the tactic, sir. What we did discount was the individual who telephoned the threat. This individual has a history of being a known hoax maker. And that was what we learned subsequent to our publication of the bulletin.

Senator LAUTENBERG. Well, is it being suggested that that was the only warning that might have come? And, again, now we have dismissed that warning as a significant warning, did we have any other information that indicated to FAA or Pan Am or our State Department that something else was coming?

Mr. SALAZAR. No, sir; nothing preceding the event that led to Pan Am 103.

Senator LAUTENBERG. My time is up now.

Senator D'AMATO.

USE OF FOREIGN CARRIERS FOR OVERSEAS TRAVEL

Senator D'AMATO. Well, thank you, Mr. Chairman. Let me first, if I might, ask Secretary Skinner several questions.

Mr. Secretary, there have been reports that, in light of Pan Am 103, the tragedy, that a number of corporations have instructed their employees not to fly on U.S.-flagged carriers when traveling overseas.

Are you aware of such activity, and do you have an opinion on it?

Secretary SKINNER. I have been informed from people within the industry that they believe that to be correct. I have not yet seen the list nor have I inquired of the CEO's of those corporations whether that is, in fact, correct.

My opinion is that that is ill-conceived advice. And, in fact, given the level of security efforts that are ongoing right now, I think the confidence is misplaced as well.

FUNDING FOR TNA SYSTEMS

Senator D'AMATO. Mr. Secretary, in looking at the budget for 1990, it seems to me there are no funds requested for the TNA machines, and those are the machines you described which are able to detect plastic explosives. Yet, in your testimony you said the FAA is going to expedite delivery of six of these machines.

Let me ask you, given the warnings that we received by Mr. Webster of the CIA that the threat, indeed, is still one—as it relates to terrorist activities, it remains a substantial one, particularly as it relates to the United States. Would you consider reviewing that request as it relates to TNA machines?

Because I am sure that you would receive strong support from the members of this committee as it relates to that request. So I am asking if you wouldn't consider it. It would seem to me that it would be more appropriate today and more necessary today to undertake the additional purchase of those very important machines that I think are important not only as it relates to security, but peace of mind which goes with that when travelers know that we are really doing everything possible as it relates to detecting these explosive devices, particularly those that can be concealed so easily in baggage.

Secretary SKINNER. Senator, let me say that in the 1989 Facilities and Equipment Program we have $3.5 million for vapor detectors and $6.5 million for six TNA systems. We of course have an additional $8.6 million in the fiscal year 1989 R&D program and $9.1 million in the 1990 budget for TNA, vapor detections, and for research on other security projects.

To answer your question as to what it would really require, I asked as a result of my visit yesterday, what the cost would be to install TNA technology throughout the world without regard to cost. The number at foreign airports is approximately $93 million for 113 units at 62 locations. For U.S. airports, including 25 major gateways, it comes to 66 units, for a cost of $49 million. The total cost is around $150 million.

Senator Lautenberg and I asked about the delivery schedule, and I do not think we got a final answer. The cost, if we were to equip those airports in this country and abroad with TNA equipment, which is the state-of-the-art that has actually been demonstrated in a working environment, is $150 million.

I think this committee this year will have to address, as Senator Lautenberg points out and I agree, who shares that cost. If it in fact makes sense, we should go ahead and do it. We should work out how the cost is going to be paid for. There are legal restrictions and requirements on the use of the trust fund. But I think it is important that as soon as we are convinced that TNA equipment is the best state-of-the-art answer, that we move forward with that as soon as we can.

There are a number of problems dealing with the placement of these units in foreign countries that would require the cooperation

of the foreign governments before they could be installed because of their neutron capability.

But I find the idea is probably the most acceptable of all the ideas that have been suggested. The implementation of it is not only monetarily driven, which is almost secondary, as Senator Lautenberg indicated, but the restrictions on the implementation in foreign airports are something we have to deal with on a top-priority basis because they are significant.

It took us a year and a half to get the license for the one in California.

POLICY ON NOTIFICATION OF THREATS

Senator D'AMATO. Well, Mr. Chairman, I know you share my sentiment in looking forward to working with the Secretary as it relates to that matter. And even the area of cost-sharing with our airlines, I think that is something that has to be explored as well.

So we look forward to working with you.

Mr. Secretary, I was encouraged when you indicated in very clear terms that it is absolutely unacceptable to have a double standard where there relates a credible threat. Might I pursue that and ask you how do you intend, or what do you intend to do as it relates to sharing that information which is received by the Federal Government with the general public and/or the crews of an airline?

Given what took place on 103, there is a very serious question in the minds of the relatives and friends of the victims related to that double standard. Was there a double standard? I am not asking you to get into that, but how would you implement such a policy to see to it that there was not a double standard?

Secretary SKINNER. Well, first of all there should be no double standard. The deviation at the embassy in the U.S.S.R. was strictly a deviation from policy that has since been reiterated by the State Department. Threat assessment is done by the FAA Office of Civil Aviation Security and the FAA Intelligence Division. It is then disseminated in the form of a security bulletin to U.S. carriers, ATA, as well as Government agencies in Washington, FAA representatives abroad, and of course to the Department of State, who then has the responsibility for retransmitting those security bulletins to appropriate overseas posts and for coordinating with other governments.

I suggest that the mission and the process that we have established, given all of the factors, is a functioning program. And, as far as the level of travel advisory and when a travel advisory should be made, I think is best addressed to the Department of State, who will be following us on the panel and has the responsibility under law for that.

And I must say that I think they are best equipped to answer that question. The process for assessing the threat, I think, is a pretty solid process. And I think it calls for a reasonable and effective method of dissemination.

Senator D'AMATO. Mr. Salazar, in looking at this document, the one that was posted and which you received on the 5th, it does go into, with some specificity, the identification of the method and the two individuals, as you have indicated, who were to be watched.

And it goes into some detail. And then it says, U.S. carriers and airport aviation personnel in the performance of their duties may not be further—information may not be further disseminated without specific approval of the director of civilian aviation security.

I mean, now, if this was a threat which you viewed as credible, or which was viewed as credible; and certainly, given the specificity, the detail, et cetera, one would have every reason to believe that this is one you have got to take seriously.

Then, how is it that you had a situation where State Department people were advised and yet we say, don't tell anybody else without the approval of the civil aviation security people? And why wouldn't you tell anyone else? That is the question that many people want to have resolved.

Mr. SALAZAR. Sir, in the distribution of those bulletins, there is specific guidance as to the further dissemination of that information beyond FAA channels. It is specifically directed. Once evaluated by a professional staff to determine if there is credibility to that particular threat and if there is a potential risk that cannot be countered by our security measures, it is then sent out to those people who can do something about that particular information.

The State Department is always included in the dissemination of those bulletins, sir, to ensure coordination with the host government officials should that become necessary, if carriers have some difficulty in the facilitation of security measures.

Senator D'AMATO. You did determine that this was credible at some point. It was substantial.

Mr. SALAZAR. Yes, we did.

Senator D'AMATO. Should not, then, the carrier have been informed? The carrier was informed, is that correct?

Mr. SALAZAR. Absolutely, sir. The carrier is always informed through the director of corporate security.

Senator D'AMATO. What about the general public? Should they not be informed if you have a situation like this?

Mr. SALAZAR. I think not, sir. I think the issue, sir, is——

Senator D'AMATO. What about the crews?

Mr. SALAZAR. The crews are advised, sir. There presently are regulatory requirements contained within a carrier's security program that require a transfer of information on significant security events between what we would classify as a ground security coordinator, which is most often always the station manager of an airline, and an in-flight security coordinator, which is most often the pilot in command, sir.

Senator D'AMATO. If you know, was the crew of this particular flight, were they advised as to the threat?

Mr. SALAZAR. I do not believe so, sir.

Senator D'AMATO. They were not?

Mr. SALAZAR. I do not believe so. But I do not know that exactly. We have an ongoing security review of this entire incident.

Senator D'AMATO. You will share that with us? Will there be a period of time? How long do you expect?

Mr. SALAZAR. I would be pleased, sir, to share any of the details of the regulatory review. But I believe it would be more appropriate, perhaps, in an executive session.

Senator D'AMATO. Well, my time has expired. And I thank you, Mr. Chairman, for your patience and indulgence.

Senator LAUTENBERG. Senator Mikulski.

Senator MIKULSKI. Thank you, Mr. Chairman.

DETECTION OF PLASTIC EXPLOSIVES

Mr. Skinner, Mr. Salazar, my questions are really going to be based on proposals that came from Larry and Rosemary Mild. Rosemary Mild is the mother of Maryanne Wolf, who died on Pan Am 103. The Mild family has taken their personal tragedy and tried to come up with recommendations for public policy so that other families would not have to endure the tragedy that they did.

I wrote FAA 8 weeks ago asking them to comment on the six points raised by the Mild family. I have not gotten a reply or an acknowledgement yet.

Well, let me get on with their suggestions, because I think they are specific, immediate, and practical, and I would welcome your professional opinion.

One is the issue of plastic explosives and their detection. And you have briefed the committee on the variety of states of technology development. Theirs is far more immediate. They suggest that we mandate the scenting of plastic explosives.

In other words, putting some type of odor detection in so that you do not need neutron this and something or other that that is being developed and is extremely expensive, but could be done, say, through dogs already available at airports.

I wonder if you have given any thought to a scent-based mandate for explosives?

Mr. Salazar, I welcome your opinion on this. You're the expert.

Mr. SALAZAR. Before I provide an answer, please, let me assure you that we will look into the issue of this correspondence. It is inexcusable that there should be that long of delay for congressional correspondence.

The issue of scenting explosives is one that has been widely examined in the international community. A variety of taggings could be added and has been explored in two phases, one for the enhancement of the detection of the explosive device and also, perhaps, marking explosives or plastic caps for post-blast investigation as well. Certainly, we endorse the former much more aggressively than the latter.

The potential problem that we have, and what we have to be prepared for, is an opportunity for the international community to come together to mark explosives in some form. But that does not bring in all of the international community, especially people who would intend civil aviation harm. Consequently, it has been our goal, through our research and development effort, to be able to develop systems that can better detect explosives in a variety of ways that can be introduced aboard aircraft.

ADDITIONAL OPTIONS FOR DETECTION

Senator MIKULSKI. Well, I welcome your opinion on this. What I am trying to arrive at are those things that are specific, achieveable and immediate, things that we could move while this new technology is being developed. And I welcome your further comments on that.

I am not wedded to the scent-based idea, but, my gosh, what I heard you talk about is going to take forever to develop. Once we develop it, who in the hell knows if we are going to be able to afford to put it into airports? Then, where are we, you know, with little devices that just can only be used in maybe three airports?

Am I on the right track here? Is this stuff going to be big? Is it going to be expensive?

Secretary SKINNER. Let me respond and then let me direct a question to Mr. Salazar.

First of all, I think you have identified, Senator, a number of steps that can be taken. Your question is, are there steps that could be taken immediately? The answer is yes.

Number two, what are they? They have been imposed on American flag carriers immediately. And we will be looking at the foreign flag carrier security plans for content regarding some of those techniques as they are submitted to us pursuant to the rule that was issued today.

And I also believe, as do a number of transport ministers, that these steps, which can be implemented immediately, especially with guidance, training, and help from the Federal Aviation Administration, which we are doing on an ongoing basis, can be very significant in deterring terrorism.

And I would ask Mr. Salazar to go over those individual items with you.

Mr. SALAZAR. We have, in fact, imposed additional standards on U.S. flag carriers for a more thorough examination of those items intended to go aboard an aircraft. At the same time, that particular process is one that we recognize as being labor-intensive. Also, some of the technology that is being used, for example, X-ray systems, are designed to find components of explosives as opposed to the entire explosive. This technology, if used properly with properly trained people, could advance the possibility of detection at the same time.

AIRLINE BAGGAGE

Senator MIKULSKI. Let me ask you two other points related to this. One, the Milds go on to recommend that we isolate luggage in blast-proof compartments.

They also identify, they also recommend that we identify each piece of luggage to a passenger and that as it passes through, we put some type of tape or something around it that is passenger-specific, one bag, one person, with a number that matches, so that we would then be able to identify each piece that is passed through security. That you would limit carryons as convenient as this is to many of us, but limit them. Also included along with this idea is the so-called black box that we are familiar with, that there be a video camera onboard flights to record the events that go on within

the passenger cabin so that we would have a permanent record of, for example, what Navy diver Stetham took for the rest of the passengers, the angel of mercy who did her work. But we would also have the terrorist right there if the terrorism, in fact, is personally perpetrated, as compared to being in the baggage compartment.

Do you have comments on those suggestions: One, the protection of blast-proof baggage compartments and, second, that the bags would be—essentially have that red tape around them and then last, but not at all least, that we have for those who would perpetrate terrorism within the cabin against either the crew or passengers or both, we would have a permanent record that could be used as evidence against them?

Secretary SKINNER. Well, let us see if we can go through these one by one. Mr. Salazar will address No. 1, which is the idea of putting luggage in blast-proof containers.

Mr. SALAZAR. We are in the process of looking at the potential ways to prevent explosives from going aboard an aircraft. I have looked at that issue. Unfortunately, those things that would sufficiently contain an explosive device are going to be of such weight that it would basically make flight use impractical.

I think there are other ways, and not all aircraft use containerized baggage. Much of it is freely stacked and loaded in cargo bays. So, I think the emphasis that you have heard and that we would be willing to provide as much detail on as possible, is on the detection of these devices before they get on aircraft.

PASSENGER/BAGGAGE RECONCILIATION

Secretary SKINNER. And let me say that on that issue, that the suggestion of reconciliation of passengers and baggage is a very valid suggestion. It has been implemented and it is in the process of being implemented for high-threat airports in western Europe and the Middle East. There must be 100 percent baggage passenger match, and baggage also must be x-rayed. For other international flights there either must be a passenger baggage reconciliation or baggage must be x-rayed and all unidentified baggage does not go on the airplane until we know that there is a demonstrable reason that the baggage is unclaimed. So, those steps have been taken. It is an example of the kind of steps that could be taken throughout the world if we can get the cooperation of foreign governments and foreign airlines that is not as costly and as extensive in time as that.

Senator MIKULSKI. Mr. Chairman, I know my time has expired. Thank you for your generosity. Maybe to get the cooperation of these foreign carriers, maybe we ought to deny landing rights. Maybe if you are going to land at America, you have to go by the rules that American carriers do.

Senator LAUTENBERG. Senator, we had——

Senator MIKULSKI. I know that Secretary Baker would go through his collective NATO on that. [Laughter.]

I am tired of hearing about their inconvenience.

Senator LAUTENBERG. We are not talking about inconvenience. [Applause.]

I am really sorry you cannot do that. We are going to conduct business. We approve of many things that Senator Mikulski recommends. She is a very good Senator, but our enthusiasm has to be contained in the actions we are going to take here. Thank you very much.

Senator Grassley.

Senator MIKULSKI. Thank you very much.

U.S. ROLE IN COMBATING TERRORISM

Senator GRASSLEY. Mr. Secretary, I applaud you for your statement and for—not for the action you have taken so far, but more in the spirit by which you are approaching this, and I sense—and tell me if I am wrong—that you see this as a process just beginning where you intend to show tremendous leadership in this area of getting these barbaric acts on the part of terrorists under control and if that is your approach, I compliment you very much for that.

And in the reading of your statement you alluded in a couple of pages to what international action has been taken, and I have no fault to find with your analysis of the actions that are being taken or how you interpret them as being successful movements so far, but my question is along the line of asking you to be a little bit more specific of how the international arena, the parliamentary bodies that are working with this, the convention organizations, how you see the United States role.

Do you see us as in the paramount leadership role in the area of combating and detecting terrorist activity of this nature or in a consentual sort of relationship?

Secretary SKINNER. Senator, we called for the conference. We led the effort on the conference along with the transport minister from the United Kingdom. We have implemented steps on American flag carriers coming from abroad already. We are in the leadership role and we will continue to stay in the leadership role.

It is an extremely frustrating process for me personally because it requires changes in conventions, changes in agreements and bilateral treaties that we have had for years and years. There is nothing I would like to do more than to implement reasonable restrictions and requirements on all flights coming into the United States without regard to the flag that they carry.

The restrictions that we have in doing that are not insurmountable. But, they are large, and we must keep that effort going full speed ahead.

Senator GRASSLEY. What sorts of carrots and sticks do you have to help you fulfill your role or do you not have any? And if you said you did not have any, I mean, that is the answer. I want the most candid answer you can give me.

Secretary SKINNER. Senator, I would suggest rather than giving my hand away in public, I would be more than glad to share with the committee in executive session some of my suggestions. I do not want to play my hand before I have to play it if I can avoid it.

Senator GRASSLEY. But at least you have told us that you do see a part of your role speaking for our Government as one that is going to follow through and see that some of these things are car-

ried out, even though you do not want to say what that specific action is.

Secretary SKINNER. Yes, sir; and I think that the executive session probably should have people from the State Department present as well because they are an integral partner in this situation.

I would also remind the Senator, our leadership role in the rulemaking which resulted in the modifications to Federal Aviation Regulation Part 129 that were announced today are further indications.

There is no question in the world community that the United States of America is serious about protecting its citizens on flights without regard to the flag of the carrier. I cannot believe anybody left that conference or has looked at what I have said and comes to any other conclusion.

FOREIGN SUPPORT OF REVISED SECURITY MEASURES

Senator GRASSLEY. Can I ask you if there are any of the nations that are involved in these conferences? Our suggestion to you either privately or publicly that maybe we are being too timid. In other words, are there some countries that want you to be more restrictive than what you have suggested so far?

Secretary SKINNER. No; they all are saying that we are at the cutting edge or we are pushing the edge with them. I think if anything, they have expressed frustrations that we are going too far too fast without a proper regard for treaty and convention. I do not think that is true, but that is the sense I get.

Senator GRASSLEY. In your statement where you say 159 countries have acceded to that convention—and I assume that means also to the changes that have been suggested—do you find that most of these countries willing to cooperate and administer the convention in the true spirit of the convention or is it a case of where you have people nitpicking about, you know, the technicalities of the convention?

Secretary SKINNER. Well, in 2 days, which is almost a record for a U.N. organization, we were able to get unanimous consent to revisit the procedures and the rules and process for security throughout the world.

So, while that progress does not look like much in the global world of U.N. organizations, it was a significant first step. I think they are all waiting to see the result of the effort that is ongoing right now and the discussion since that meeting to come up with the standards and the new convention treaty, hopefully by late summer.

SECURITY AT FEEDER AIRPORTS

Senator GRASSLEY. Let me change directions just a little bit here. In your statement you named several ways that you were planning to implement new programs or equipment to see what could be done to stop these terrorist acts. Do you plan to expand your program to the smaller airports that feed into the hubs?

Secretary SKINNER. Well, we have got to make sure that we have a program that ensures that the baggage and passengers that go on

a flight to or from the United States are screened. Right now it is not done by all air carriers at originating airports around the country. You check baggage, for instance, to O'Hare if you are coming in from a feeder airport in Iowa. There the carrier must identify your luggage, and check it through the security process.

Senator GRASSLEY. Do you have a timeframe for accomplishing this at the airport you just described?

Secretary SKINNER. Well, the six TNA units will be put into highest access airports, the high risk airports. As we indicated, we have to discuss the exact role the Federal Government is going to play, versus what role the carriers are going to play, versus what role the foreign governments are going to want to play in placing this technology in airports all over the world.

The baggage passenger reconciliation can be put in place much easier than the physical security equipment.

Senator GRASSLEY. Thank you, Mr. Secretary and Mr. Chairman.

Senator LAUTENBERG. Thank you very much.

Senator Domenici.

STATE-SPONSORED TERRORISM VS. INDIVIDUAL TERRORIST

Senator DOMENICI. Thank you very much, Mr. Chairman.

Mr. Secretary, I apologize for not being here sooner. I do not know why this year, even though it is early, we all seem to have three hearings at the same time, and we cannot always be where we would like to be. First, let me ask if any of the terrorism that we are talking about with reference to domestic and foreign air carriers is country-oriented in terms of its basic source, or is it essentially individuals acting independently?

Secretary SKINNER. Let me ask Mr. Salazar to address that.

Mr. SALAZAR. We do know, sir, that there are issues of state-sponsored terrorism, and I believe in the next panel Ambassador McManaway, who is the Ambassador-at-Large for Counterterrorism would be best qualified to respond to that.

COORDINATION OF RESEARCH ON SECURITY

Senator DOMENICI. Mr. Secretary, in your remarks about new technology to take the place of the current generation of security systems, I note that you highlighted the fact in your statement that DOT has a $9.1 million budget for what is called research and development. I think you said it went up $500,000 from $8.6 to $9.1 million for fiscal year 1990.

It seems to me that most of the breakthroughs in this area have been made because there is a great similarity between the needs of the military in mine detection and the like, and the need for more significant x-ray capability for aviation security purposes.

I believe there are some new technologies in the marketplace that, if they work, will be far superior to cheaper than, and more environmentally sound than the technology DOT is going to test. I am not saying these technologies are ready, but they are out there being developed.

Interestingly enough, most of the funding for them is coming from the Defense Department. For example, mines are a serious problem in Afghanistan. There are mines all over the place, and

they are killing people. Somebody has to go out there and detect them, so money is being spent to develop the technology to do so.

My question is whether there is any significant and organized coordination occurring between the Federal money being spent for that kind of research, and what DOT spends in an effort to make sure we do not have a big lull between the development of such technology and its application in this area.

Secretary SKINNER. Mr. Salazar can answer that best.

Mr. SALAZAR. In fact, yes, we do meet regularly with other Federal agencies to examine through technical exchanges the level of funding and activity of explosives detection and a variety of other security methods that may be developed. We also have working agreements with a number of countries where we provide and exchange this information as well, sir.

Senator DOMENICI. Are you satisfied with the degree of exchange and the degree of coordination without something more formal?

Mr. SALAZAR. Well, sir, I believe we have wrung out very well the technology as it exists presently.

Senator DOMENICI. Thank you, Mr. Chairman.

CANCELED BOOKINGS ON PAN AM FLIGHT 103

Senator LAUTENBERG. Thank you very much, Senator Domenici. We are going to unfortunately have to excuse the Secretary and Mr. Salazar because we have other witnesses waiting to come.

I just want to ask one question and I will take the chairman's prerogative of having the microphone in his hand and ask you this, Mr. Salazar.

One of the questions that is often posed to me and to others here by the families of the 103 victims is whether certain passengers who had booked on that flight canceled out because they somehow or another knew that this flight was endangered. There were, I am told, bookings that were canceled in the last couple of weeks after this flight had been fully sold out for some time.

As a matter of fact, I am further told by victims' families and friends that there was an inducement offered by Pan Am at reduced rates to students to buy the trip to America. Do you have any knowledge about that?

Mr. SALAZAR. None whatsoever, sir. I do not know of any inducements, and I do not believe that there were any. I do not have any information to substantiate that.

I would point out as well, sir, that among the victims who died on that particular flight, a variety of them represented the U.S. Government in either a military capacity or State Department capacity. I do not believe there were some overt attempts to circumvent that flight.

Senator LAUTENBERG. I would appreciate it if you could just check the records on that to either confirm or put to rest the concerns that people had that suddenly a whole bunch of seats opened up when this flight had been booked for months before it took off. Thank you very much.

Secretary SKINNER. Thank you very much, Senator, for the attention you have given this and the committee as well.

SUBMITTED QUESTIONS

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR LAUTENBERG

THE THREAT AGAINST PAN AM FLIGHTS

Senator LAUTENBERG. Mr. Salazar, I want to make sure that the record is very clear regarding the threat made specifically against Pan Am prior to December 21 that was the basis for the security bulletin sent to our embassies. Was the threat made directly against Pan Am flights from Frankfurt to JFK for a certain time period? When was the threat received?

ANSWER. The threat against Pan Am flights from Frankfurt was received at the U.S. Embassy in Helsinki on December 5, 1988. The U.S. Embassy in Helsinki sent a cable to the State Department in Washington on December 7, 1988, detailing the threat information. FAA received that cable the same day. FAA issued FAA Security Bulletin ACS-88-22 on that same day—December 7th.

The threat information was very specific as to the time period of the threat. The caller said, on December 5th, that "within the next two weeks" a Finnish woman would attempt to carry a bomb on to a Pan Am flight from Frankfurt to the U.S. That two-week period would have ended on Monday, December 19, 1988.

Senator LAUTENBERG. In previous testimony, it was stated that three governments determined that the Helsinki threat was actually a hoax. Is that correct? When was it concluded by all that the threat was a hoax?

ANSWER. The United States, Germany, and Finland were aware that the threat was a hoax. FAA was informed that the Finnish police had investigated the matter and determined that it was a hoax. FAA received some preliminary details of the police inquiry in Helsinki from the State Department on December 22nd, the day after the bombing. On December 29th, FAA received a more complete synopsis from the State Department which detailed investigative activity in Helsinki. The December 29th State Department information made it clear to FAA that the threat had been a hoax.

Senator LAUTENBERG. After that, was the security bulletin withdrawn? If not, why not?

ANSWER. FAA did not specifically rescind that security bulletin since the period of time identified in the threat had already expired. The information that the Helsinki threat was a hoax was widely reported in the international press.

Senator LAUTENBERG. Did Pan Am know that the threat was a hoax?

ANSWER. We are not fully aware of what information Pan Am was privy to at all times during the aftermath of the crash. To our knowledge, Pan Am was not aware that the December 5th threat was a hoax.

Senator LAUTENBERG. What additional security actions did Pan Am take in the wake of the security bulletin, and did they change after December 10?

ANSWER. Upon receiving the security bulletin from FAA, the Pan Am security manager in the U.K. called the Pan Am security manager in Frankfurt to ensure that he was aware of the threat. He then flew to Helsinki, which is in his area of responsibility, to establish procedures which were directed at the identification of any single female departing the airport who might be the innocent dupe that the anonymous caller had warned about. Once identified, the individual and her bags were to be subjected to increased scrutiny. The same procedures were reportedly in place at Frankfurt, where Pan Am security personnel were instructed by Pan Am to be especially watchful for a female traveling from Finland. They were further instructed to dump-search the bags of any passenger that fit that profile. According to the Pan Am security manager in London, the Pan Am staffs in Helsinki, Frankfurt and London were advised that the procedures were to remain in place until further notice.

FLIGHT 103 PASSENGER BOOKINGS AND CANCELLATIONS

Senator LAUTENBERG. Mr. Salazar, one of the questions posed by the families of the Flight 103 victims is whether certain passengers who had booked on that flight cancelled out because they somehow knew that the flight was endangered. Would you please address this matter to the extent that you can?

ANSWER. We understand that the State Department has been looking into this matter with Pan Am to discover whether there was an unusual pattern of cancellations for the flight, but they found no unusual pattern. We understand from State that the flight was never sold out and that the maximum number of reservations for the flight was 253 the night before the aircraft's departure. Pan Am advises that there were 17 no-shows and that this was well within the percentage expected for such a flight. There were no unusual changes in the reservation patterns after the so-called "Helsinki threat" was reported to State and FAA on December 7th and the Moscow Embassy posted notice on December 12th.

CANCELLATION OF FLIGHTS

Senator LAUTENBERG. Mr. Secretary, in your statement, you say that the Department (or FAA) is prepared to cancel endangered flights if a threat cannot be effectively countered by available security measures. But later in your statement, you say that you would recommend that the airline cancel such flights. We need to be clear on this. Do you have the authority to cancel a flight regardless of what an airline wants to do? If you don't have the authority, do you believe it is needed?

ANSWER. The statement indicated that DOT would recommend that an airline cancel an endangered flight if a threat could not be effectively countered because we believe that is the appropriate first course of action. In fact, we expect that an airline would abide by that recommendation and cancel the flight on its own. If the threat applies to a U.S. carrier, the FAA will cancel the flight or flights in question if the airline will not do so.

SECURITY VISITS TO AIRPORTS

Senator LAUTENBERG. For the last couple of years, the FAA has annually inspected approximately 427 domestic airports and 200 foreign airports. Are you satisfied that you have enough resources to do a good job?

ANSWER. The continuing need for improvement in worldwide aviation security systems, to assure the safety of those traveling in air commerce, is increasing at an inordinate rate, thereby adding to the unrelenting demands on existing resources. The Department has supported, and continues to support, FAA Civil Aviation Security staffing increases. Since the June 14, 1985, TWA 847 hijacking, this staffing has been increased from 236 in fiscal year 1985 to 692 in fiscal year 1990. However, since the fiscal year 1990 staffing level was decided prior to the Pan Am Flight 103 tragedy, further increases may be needed in the future.

FAA is carefully examining these resource needs and expects to have a new staffing standard completed by the end of fiscal year 1989, which can be used to validate additional staffing requirements.

Senator LAUTENBERG. Foreign airports are usually selected because they serve U.S. carriers, or are airports that serve as the last point of departure for foreign carriers flying to the U.S. How many assessments were conducted at these 200 foreign airports?

ANSWER. Since the beginning of 1986, FAA has conducted nearly 800 assessments at about 200 foreign airports. At any given time, the number of foreign airports subject to assessment is about 200. However, the number changes as carrier routes change.

Senator LAUTENBERG. Why were these foreign airports revisited?

ANSWER. The visits to foreign airports subject to assessments are scheduled on a regular basis. Based on the previous assessment results and the particular threat assigned by FAA to a geographic area, some foreign airports are assessed more often than others.

Senator LAUTENBERG. What standards do you use when assessing the security at foreign airports?

ANSWER. The assessments are conducted in coordination with the appropriate aeronautical authorities of the host government and are based at a minimum on the Standards and Appropriate Recommended Practices of Annex 17 of the Chicago Convention (which established the International Civil Aviation Organization).

Senator LAUTENBERG. Do you believe that the standards mandated by Annex 17 of the International Civil Aviation Organization (ICAO) are effective? If you could make them more stringent, what would you do?

ANSWER. We commend ICAO for the action they have taken thus far in aviation security. While ICAO has made significant progress in combating terrorism, there is still more that needs to be done.

At the Special ICAO meeting on February 15, a seven point plan for tighter security was outlined as follows:

1. Additional and comprehensive screening for passengers and carry-on articles.
2. More thorough screening of checked baggage through x-ray and other techniques.
3. More comprehensive screening of mail and cargo.
4. Better reconciliation of passengers and checked baggage.
5. Expediting the development and implementation of state-of-the-art screening technology.
6. Tighter control of access to areas where aircraft, cargo and baggage are handled.
7. Reviewing problems posed by allowing electronic devices, such as computers and radios, on board aircraft.

Senator LAUTENBERG. Does the United States have the ability to unilaterally impose stricter standards than those required under Annex 17?

ANSWER. The FAA has the authority under the Federal Aviation Act to impose our security requirements on foreign carriers serving the United States from abroad. This authority, however, must be exercised consistent with our international agreements including:

—Annex 17 to the Chicago Convention, which requires that each contracting state require operators providing service to or from it to adopt a security program and to apply it in proportion to the threat to international civil aviation; and
—many bilateral civil aviation agreements, which include a security article providing that each country's airlines will abide by International Civil Aviation Organization (ICAO) security standards and that each country will act favorable upon a request from the other for reasonable special security measures to meet a particular threat.

Senator LAUTENBERG. If the United States moved unilaterally in this area, what do you think would be the response of the affected foreign airports and air carriers?

ANSWER. Most countries have vigorously opposed the U.S. Government imposing regulations on their carriers. We would be concerned about potential foreign retaliation growing out of unilateral United States action. This could result in unnecessary measures being levied by foreign countries on our carriers at United States airports where there are not significant security problems, and which could even extend beyond the bounds of security measures. American passengers could then find themselves paying higher ticket prices and facing added delays and inconvenience as a result of foreign requirements on U.S. carriers that have no true relation to the security threat.

Senator LAUTENBERG. What recourse does the United States have if an airport does not improve its security measures?

ANSWER. Section 1115 of the Federal Aviation Act of 1958, requires the Secretary of Transportation to conduct assessments of the effectiveness of security measures maintained at foreign airports. In carrying out such assessments the Secretary is to consult with the Secretary of State with respect to the nature of terrorist threats in the countries where the airports are located. The Secretary is to report to Congress on such assessments.

If the Secretary determines that an airport does not maintain and administer effective security measures, the Secretary is to notify the appropriate authorities of the foreign government and recommend the necessary steps to bring the security measures into compliance. The Secretary of State is to be notified prior to notifying the appropriate authorities of the foreign government.

The foreign government is given 90 days to correct the security deficiencies at its airport prior to public notice. However, there shall be immediate public notice if the Secretary of Transportation, after consultation with the Secretary of State, determines that a condition exists which threatens the safety or security of passengers, aircraft or crew traveling to or from such airport.

The procedures for notifying the public consist of publishing the name of the airport in the Federal Register, prominently displaying the name of the airport at all U.S. airports, notifying the news media of the identity of the airport, and requiring U.S. and foreign carriers to provide written notice on or with the ticket to any passenger purchasing a ticket between the U.S. and the offending airport. Additionally, the Secretary may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any U.S. or foreign air carrier to engage in foreign air transportation utilizing such airport. Finally, the President may invoke a general boycott against the airport by prohibiting carriers from serving the U.S. from any airport which receives service to or from the offending airport.

If the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such

airport, the Secretary of State is required to issue a travel advisory. If the Secretary of State determines that the country in which the airport is located is a high terrorist threat country, the President is required to suspend foreign assistance. The President may waive this sanction if national security interests or a humanitarian emergency so require.

Senator LAUTENBERG. In what areas are foreign airports deficient when it comes to security procedures?

ANSWER. The areas of concern at different foreign airports vary in degree and type. Thus far, the results of the assessment program indicate that nearly 90% of the concerns are in the following areas: local administration (i.e., security surveys, emergency planning, etc.), screening and access controls.

Senator LAUTENBERG. Do you have a rating system for the foreign airports that assess their security? If so, how do you use these assessments?

ANSWER. The FAA does not maintain, nor has it developed, a rating system for foreign airport security. When a team of FAA security specialists conducts an assessment, Annex 17 Standard and Recommended Practices (SARPs) are used and this information is transmitted to headquarters. At headquarters, the assessments are reviewed by senior staff. If there are significant security concerns, this information is transmitted to the Secretary's office for further action, which could involve giving the foreign airport country 90 days to remedy the problems.

Senator LAUTENBERG. Are you satisfied that foreign governments take aviation security seriously?

ANSWER. Yes, the responsible governments of the world are all working together to strengthen their respective security procedures. The cooperation of foreign governments in carrying out the assessment program has generally been very positive. Through the cooperation and efforts of the foreign government officials and the FAA, security has been successfully brought up to international standards when there were problem areas noted during an assessment. Additionally, foreign governments have been very responsive to the training offered or supported by FAA in the United States and foreign locations.

Senator LAUTENBERG. What needs more improvement—airports or air carrier security efforts? And why?

ANSWER. Airport and air carrier security are interlocking issues and together constitute aviation security; one cannot address one issue without the other. We are aggressively continuing our efforts to improve aviation security through such activities as technical assistance, training, research and development, and a rigorous enforcement program. Although significant progress has been made, we will continue to take the lead in aviation security to ensure the safety and security of the traveling public whether they are in the airport or are on an airplane.

SECURITY PROBLEMS AT DOMESTIC AIRPORTS

Senator LAUTENBERG. Mr. Salazar, last week there was a press report that, although security has improved, Federal agents still managed to slip 156 weapons through airport security. As a result, FAA levied fines totalling about $1.2 million against the responsible domestic airlines. Why were you able to slip 156 weapons through the security screening?

ANSWER. While the security screening process has improved, it is still not perfect. The FAA performs numerous tests of the system and occasionally, a test object is missed. As with any complex system or process, there are human errors committed.

Senator LAUTENBERG. What is the most common underlying problem?

ANSWER. The most common problem is the human element part of the system. The majority of system failures are due to lack of screener recognition (usually not paying attention) of test objects in the x-ray machine. Because of this, FAA has improved the training program for screeners and the air carriers have taken a more active role in their oversight of pre-board passenger screening. The increased effectiveness of the screening process is the result of these efforts.

Senator LAUTENBERG. Mr. Secretary, is this another example of deregulation putting inordinate pressure on operating costs of the airlines?

ANSWER. We do not relate the ability of airlines to detect weapons and explosives with deregulation. While deregulation has resulted in the need to screen far more passengers, it has also resulted in far more revenues to the airlines.

Senator LAUTENBERG. We understand that FAA fines for security lapses amount to about $4 million since the FAA program started 2 years ago. What happens to those funds? Would you support legislation that would use the fines collected for security-related programs such as training and research and development? If not, why not?

ANSWER. Monies collected from civil penalties levied against air carriers for violation of the Federal Aviation Regulations (FAR) are deposited in the General Fund of the United States Treasury.

With regard to legislation that would require security-related fines to be used for security-related programs such as training or research and development, we are concerned that this could be perceived by those subject to such fines as a conflict of interest. The FAA, therefore, could find itself continuously in the position of having to defend against the charge that a fine was motivated more by the need for augmenting its appropriation than by the offense itself.

Senator LAUTENBERG. Mr. Secretary, since Pan Am Flight 103, have you reviewed FAA's security bulletin process?

ANSWER. We have reviewed that process and we are improving the security bulletin system to ensure that countermeasures to be taken by U.S. airlines in response to threats are clearly specified. Airline compliance with security bulletins will be mandatory. Airlines will be required to acknowledge receipt of bulletins within 24 hours, and submit to FAA within 72 hours specific information on how they plan to carry out preventive measures. In addition, we are requiring that the airlines ensure that specific information in security bulletins is distributed to pilots-in-command of airline flights.

Senator LAUTENBERG. Are you satisfied that the security bulletin development and dissemination process is the best system we can have to protect the flying public?

ANSWER. We will continue to review the whole threat dissemination process to ensure that it is the best system possible. The Secretary of Transportation recently directed a high level review of the FAA security bulletin process. His representatives have met with, and are continuing to meet with, foreign government transport and intelligence officials, security directors of airlines, airport security managers, the Department of State, and the U.S. intelligence community. As a result of this review, the Secretary announced a sweeping set of initiatives designed to enhance aviation security, including many improvements in the security bulletin process.

Senator LAUTENBERG. Are FAA resources in this area adequate to do the job?

ANSWER. FAA's resources in this area are adequate to do the job of coordinating civil aviation threat information within the U.S. intelligence community and communicating that information to U.S. air carriers. However, we continually assess staffing and resource needs to determine whether redeployment or augmentation is necessary. In fact, we are deploying immediately additional FAA security specialists to selected overseas locations.

Senator LAUTENBERG. What is DOT doing differently today that it wasn't doing before Pan Am Flight 103?

ANSWER. On December 29, 1988, the FAA Administrator ordered significant tightening of U.S. air carrier security requirements at airports in Western Europe and the Middle East. The following actions were mandated. Airlines must complete 100% x-ray or physical inspection of all checked baggage. Passengers must not have access to checked baggage following security inspections. Airlines must perform a positive match of passengers and baggage to ensure that no bag gets on board the aircraft if the passenger does not. Through questioning, passengers who meet certain criteria, and others selected at random, must undergo screening. Small packages and parcels that are shipped through passenger counters must be x-rayed or physically examined prior to shipment.

Senator LAUTENBERG. What new things will you be doing in the short term and long term in response to Pan Am Flight 103?

ANSWER. In addition to the stringent security measures mandated immediately after the Flight 103 loss, we have recently initiated additional measures designed to enhance security in a number of other areas. First, we are initiating changes to airline security programs to require the installation and use of explosive detection systems such as Thermal Neutron Analysis units at the earliest feasible date. Second, we are redeploying additional FAA security specialists to selected overseas locations. Third, we are improving the security bulletin system to require that the airlines acknowledge receipt of bulletins and that airlines notify the FAA of responsive actions taken within a strictly limited time. Fourth, FAA will require that airline security programs use state-of-the-art x-ray and metal detection equipment and ensure that appropriate security threat information is distributed to pilots in command of airline flights. Finally, we are proposing the formation of a National Security Advisory Committee to further enhance the coordination of aviation security threat and countermeasure information.

Senator LAUTENBERG. Are you confident that unattached luggage is not traveling on United States flights overseas or domestically?

ANSWER. For flights from the high threat airports in Western Europe and the Middle East, there is a positive passenger/baggage match. For international flights from the United States, there is either a positive passenger/baggage match or the baggage must be subjected to other security controls, such as x-ray inspection. The international standards on passenger/baggage match are adhered to by all United States carriers.

Senator LAUTENBERG. Do you believe that U.S. air carriers should be making greater use of passenger profiles and passenger interrogation when they operate overseas?

ANSWER. The FAA currently requires U.S. air carriers operating from foreign airports at which the threat is assessed to be greater than within the United States to apply certain passenger profiles. Of course, we do not want these profiles to be widely known as to do so would defeat their purpose. Additionally, at these airports, passengers are asked a series of questions about the contents and custody of their baggage prior to acceptance.

Senator LAUTENBERG. Who do you believe should be responsible for notifying the public of a possible terrorist threat—the FAA or the State Department? Why?

ANSWER. Clearly, the only U.S. department that can and should be responsible for notifying the public of possible terrorist threats to civil aviation outside of the U.S. is the State Department.

The FAA does not have the authority nor the capability to undertake such a function. The many factors to be considered in making such public announcements have significant foreign policy implications that can only be assessed and considered by the State Department. Also, the State Department already has in place a method of warning the United States public of hazards to United States citizens traveling abroad.

Senator LAUTENBERG. Mr. Secretary, it has been suggested that the United States should forward post its customs agents, so that passengers and baggage can be screened before a flight leaves a foreign country, rather than performing these checks once a flight has landed. What do you think of this idea?

ANSWER. Our priority should be to improve the current system of security screening by airlines, rather than seeking U.S. Customs or other governmental entities to perform this critical function.

Senator LAUTENBERG. The General Accounting Office, in its December 1988 report, recommended that FAA should: (1) make some analysis of host country security systems testing as part of its foreign assessments; and (2) develop procedures for informing the State Department of training needs that could be met through the State Department's Anti-Terrorism Assistance program. What has FAA done in response to these recommendations?

ANSWER. The FAA has expanded and modified its assessment criteria to specifically address both of these recommendations. Under these expanded requirements, the FAA assessment teams will examine host government procedures for testing equipment and personnel, review the records of past tests, and, if possible and feasible, observe the training for security personnel.

In addition, the assessment teams will outline in their reports specific security training and equipment needs identified at the airports assessed. This information will be forwarded to the Department of State for their consideration. Close coordination with the Department of State, in fulfilling these needs, will continue.

PASSENGER INCONVENIENCE VERSUS ENHANCED SECURITY

Senator LAUTENBERG. Mr. Secretary, given an average flight's boarding, if the new TNA equipment and vapor detection equipment were employed, how much additional time would it take to board a plane?

ANSWER. The Thermal Neutron Analysis (TNA) System has demonstrated it can screen 600 bags per hour for explosives (approximately one Jumbo Jet baggage load.) The vapor detection equipment is currently not operating at this speed, which is why FAA is performing additional research on this technology. In addition, more than one TNA unit would be needed for most airports, depending on traffic levels especially during peak hours.

Senator LAUTENBERG. If baggage reconciliation were a requirement for domestic and foreign flights, how much additional time would this require, before a plane could be boarded?

ANSWER. For domestic flights, changes to boarding time would be expanded significantly at some locations, such as hubs, and may be impossible to implement under current schedules. The hub system used in the United States means more passengers transfer quickly from one plane to another or, for that matter, one carri-

er to another. For domestic flights, the requirement to have baggage reconciliation would probably paralyze the hub system. The current threat at U.S. airports does not warrant these measures for domestic checked bags which currently are in excess of 1.1 billion annually. For international flights, baggage reconciliation or an approved security control is required.

Senator LAUTENBERG. Should late boarding be allowed if the luggage and carry-on baggage were not subjected to a TNA screen, a vapor detection screen, and/or a hand check?

ANSWER. As long as the passenger, including carry-on and checked bags of the passenger who boards late, is subject to all required security measures, late boarding should be allowed.

Senator LAUTENBERG. Currently, it is suggested by carriers that airline passengers be at an airport for check-in at least 45 minutes before domestic departures, and earlier for international flights. Do you think that for security reasons there should be a regulation that specifies a certain early arrival time? If not, why not?

ANSWER. Air carriers are required to subject each passenger and their checked/carry-on items to security measures. If these measures are not accomplished prior to flight departure, the passenger will miss the flight. There is no indication that the lack of a required check-in time has been or will be a problem in the future.

Senator LAUTENBERG. If certain times cannot be set by regulation, how can you ensure that even with enhanced equipment, that the equipment will be used?

ANSWER. The FAA routinely monitors and inspects U.S. air carriers implementation of security requirements at both domestic and foreign airports. These inspections include evaluation of the carriers full compliance with required security measures for passenger/baggage screening, including their use of enhanced equipment.

Senator LAUTENBERG. How can you ensure passenger safety if every piece of checked baggage and every piece of carry-on luggage is not subjected to either hand checks or the latest technologically advanced screens?

ANSWER. The security procedures required by the FAA are designed to identify those passengers and/or luggage, at designated high threat locations, that warrant special consideration such as a physical search. Immediately after the Pan Am Flight 103 tragedy, the FAA ordered significant tightening of U.S. air carrier security requirements at airports in Western Europe and the Middle East. Among the actions mandated by the FAA was that the U.S. airlines must complete 100% x-ray or physical inspection of all checked baggage.

PAYING FOR SECURITY

Senator LAUTENBERG. Mr. Secretary, if we step up our security efforts either through increased personnel surveillance, detection equipment, or enhanced access control, the costs of security are going to increase. Who do you think should bear the costs?

ANSWER. The airlines, which own and operate the equipment are responsible for bearing the cost. Historically, the costs are passed on to the passenger, who derives the benefit of the service.

Senator LAUTENBERG. It is estimated that the thermal neutron analysis equipment, which examines checked baggage, could cost as much as $1 million. Is this an accurate estimate? Who do you think should pay for this or similar type of detection equipment? Why?

ANSWER. Yes, $1 million is an accurate cost estimate for purchase of the Thermal Neutron Analysis System that includes the X-ray False Alarm Reduction System enhancement. The estimate does not include operating and maintenance costs. The cost of this and similar systems should be paid by the airlines.

Senator LAUTENBERG. Who do you think should pay for the passenger examination devices, like the passenger portal vapor detectors? Why?

ANSWER. The price of security devices, once operational, should be borne by the carriers as part of the cost of offering flights on a commercial basis. The passenger portal vapor detector is now in development and the FAA is paying the full development cost of it, through a contract with its manufacturer.

The FAA has made a significant investment in security research—$61 million between fiscal year 1980 and fiscal year 1989. It is reasonable that the U.S. Government carry the development cost for new technology, especially for high cost, high risk research, that industry might not justify doing on its own. On the other hand, once successful development is completed the cost of security measures should be borne by those whom the measures are intended to protect—the airlines and their passengers.

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Senator LAUTENBERG. Do you think the international departure tax should be raised, if this equipment were required in foreign airports? Why?

ANSWER. Raising the international departure tax would be one way to fund the deployment of this equipment. However, that approach is inconsistent with the long-standing practice that airlines pay for security, typically through fare adjustments.

Senator LAUTENBERG. How much is spent by airports and air carriers on security? Are these funds spent on personnel or equipment? What is the breakdown between the funding spent domestic versus foreign?

ANSWER. This information is not readily available to the Department of Transportation. No requirement currently exists for the industry to report this type of financial data to the U.S. Government.

Senator LAUTENBERG. Mr. Secretary, the Air Transport Association (ATA) has identified 45 foreign airports where TNA-type equipment is needed. Are you familiar with that list? Do you agree with their analysis?

ANSWER. Yes, we have seen the ATA list and would agree with their analysis as a starting point.

Senator LAUTENBERG. ATA states that the Federal Government should pay for these devices. Who do you think should bear the costs?

ANSWER. Airline security costs should be the responsibility of the airlines and the airports. Clearly, air travelers would be willing to bear the additional cost to ensure their safe flight. Installation of 100 TNA units at the busiest airports would cost passengers, over 1 year, an extra 20 cents to the price of an airline ticket, assuming passengers on all U.S. carriers pay the increase.

RESEARCH AND DEVELOPMENT FUNDING

Senator LAUTENBERG. Mr. Secretary, for fiscal years 1988 and 1989 this subcommittee provided all the security related R&D funding requested. Did the Department request enough? If not, why not?

ANSWER. Adequate funding was requested for fiscal years 1988 and 1989 to develop the technologies identified. The fiscal year 1990 request includes $9.1 million for aviation security research, including refinements to the Thermal Neutron Analysis Systems, final test and evaluation of vapor detection systems, and continuing investigations into new concepts and technology.

Senator LAUTENBERG. The request for fiscal year 1990 includes a request for $9.1 million. In the wake of this terrorist act, do you think that is a sufficient request? If so, why? If not, why not?

ANSWER. The request for fiscal year 1990 is satisfactory to continue planned research. If additional funds were made available, they would allow acceleration of the research and the exploration of other technologies.

Senator LAUTENBERG. The request would continue engineering support and refinement of the deployed thermal neutron analysis equipment (the system used to detect explosives in checked luggage). Yet this committee has been told that enough testing has been done and we need to increase our efforts in placing this type of equipment in both foreign and domestic airports. Do you agree with that? If not, why not?

ANSWER. Testing to demonstrate adequate sensitivity was successfully accomplished in 1987 and 1988 at Los Angeles and San Francisco International Airports. FAA recognizes the possibility of further refinements in the decision making software and has therefore budgeted for this work in fiscal year 1990.

Senator LAUTENBERG. We have already tested a vapor detection portal to screen passengers. What are the results of that testing? Is that equipment ready for placement in airports? If not, why not?

ANSWER. FAA has tested the vapor screening portal in the laboratory with explosives and in October 1988 at Logan International Airport. The system operated reliably and had less than 10 percent false alarms, however, it took 30–40 seconds to search each passenger and did not reliably detect the low vapor pressure explosives. The passenger processing speed and sensitivity need to be improved before airport deployment is feasible.

Senator LAUTENBERG. How much are you asking to advance the portal detection system, and other passenger screening devices?

ANSWER. In fiscal year 1990, FAA is planning to spend $2.7 million on the walk-in screening prototype as well as other new explosive vapor technologies.

Senator LAUTENBERG. What are you doing in the area of concourse security?

ANSWER. FAA is currently conducting research on automated x-ray system pattern recognition, to improve the performance of metal detectors and the detection of plastic weapons, flammable liquids, and liquid explosives.

Senator LAUTENBERG. Are we making progress in the areas of detecting flammables, plastic guns, and the newer plastic explosives?

ANSWER. Significant progress is being made in plastic weapons detection. The FAA has, over the past 3 years, examined several technologies for the detection of non-metallic weapons. A new technology, millimeter wave imaging, has been identified and appears as if it will allow the rapid detection of plastic weapons and other contraband like explosives and drugs carried by an individual. FAA currently has a small business innovative research effort ongoing in the liquid explosive detection area. The technologies FAA is pursuing in explosion detection, like Thermal Neutron Analysis, are designed to detect all known plastic explosives.

Senator LAUTENBERG. Will you be using any of the funds to test and/or evaluate access control at airports? If so, will these assessments be done at both domestic and foreign airports?

ANSWER. Research and Development funds will not be used to test airport access control systems. However, a handbook was developed by one of the FAA's R&D contractors and will be provided to all regulated airports which will hopefully make them informed consumers when it comes to the purchase and installation of these systems. The FAA routinely monitors and inspects airports to ensure compliance with security requirements, including those pertaining to access controls.

Senator LAUTENBERG. Former FAA Administrator McArtor recently testified that FAA, unlike NASA, lacks the authority to contract for R&D on an expedited basis, such as through sole source contracting. Do you believe that this impedes expeditious research in the security area and, therefore, needs to be remedied?

ANSWER. Competitive procurement processes, although lengthy, stimulate industry participation and provide FAA with the benefit of an opportunity to review the most promising ideas and technologies that the domestic and foreign markets have to offer. NASA has authority to award grants (as opposed to contracts) for research which avoids the contracting process. We merely point out that extending such authority to FAA would require legislation. In some limited instances, the Federal Acquisition Regulation (FAR) permits DOD, NASA, and the Coast Guard to restrict competition, and we would not object to amending the FAR to include FAA. Beyond that, NASA does not have any sole-source contracting authority for R&D that is not equally available to FAA.

CIVIL AVIATION SECURITY PERSONNEL

Senator LAUTENBERG. Mr. Secretary, your fiscal year 1990 budget requests an additional 120 civil aviation personnel. Why did you make this request? How will these additional personnel be used?

ANSWER. The 120 additional positions are required to meet increased requirements in the development, implementation, coordination of worldwide aviation security systems. These personnel will be used to increase Federal Air Marshal in-flight security; increase surveillance of domestic and international air carrier and airports implementation of U.S. and ICAO security standards; increase intelligence analysis of threat information; support Federal, State, and local law enforcement efforts in drug interdiction; increase air cargo security activities; and to process security clearances to accelerate the hiring process for air traffic controllers.

Senator LAUTENBERG. How many personnel do you now have working in the aviation security area? Could you describe how these personnel are deployed?

ANSWER. As of March 11, 1989, of the 572 authorized, there were 496 civil aviation security personnel on board. The 120 additional security personnel requested in fiscal year 1990 will give FAA a total work force of 692. This is almost three times the level in fiscal year 1985 and builds on FAA's already strong security program.

Of the 572 authorized positions in fiscal year 1989, 105 positions are for the Washington Headquarters office, 453 positions are authorized for the civil aviation security regional divisions, the Aeronautical Center, and the Technical Center. The Europe, Africa, and Middle East Office has security staff authorization in fiscal year 1989 of 14, of which 10 are assigned to Brussels and four to Rome. In addition, we are deploying FAA security specialists to selected overseas locations.

Senator LAUTENBERG. How many are involved in airport assessments, foreign and domestic? How many are employed in performing air carrier assessments, foreign and domestic?

ANSWER. Of the 384 Special Agents and technical personnel in the regions, 364 are directly involved in airport and air carrier assessments. All of the special agents

assigned to the regions conduct foreign airport and foreign air carrier assessments. Domestic airport and air carrier security activities are also functions exclusive to the domestic regions; however, they also support foreign assessments.

Senator LAUTENBERG. How much do you spend annually on assessment programs? How many people are used for threat assessment?

ANSWER. In fiscal year 1988 approximately $18.8 million was spent on domestic and foreign assessment programs. There are 12 positions currently authorized in the FAA Civil Aviation Security Intelligence Division whose primary function is threat assessment. Two additional positions are requested in fiscal year 1990.

Senator LAUTENBERG. Is the FAA involved in training domestic or foreign airports' or carriers' personnel in aviation security?

ANSWER. The FAA, through the DOT Transportation Safety Institute at Oklahoma City, conducts security training and seminars for both domestic and foreign personnel. In fiscal year 1989 over 30 security related courses and seminars are scheduled, with approximately 2,000 domestic and foreign students anticipated.

FLIGHT CREW NOTIFICATIONS

Senator LAUTENBERG. Mr. Salazar, how does FAA regulate the procedures used by airlines to notify flight crews of security threats? If standardized procedures aren't required, why shouldn't they be?

ANSWER. Standardized procedures require that any time the threat contains information regarding a specific target, the air carriers are required to fully implement the provisions contained in FAR Part 108 and in their security programs. In addition, there is a ground security coordinator (GSC) for each flight. The GSC monitors all ground security at the airport and provides all security information to the captain that is specific for that flight.

Senator LAUTENBERG. Was the captain of Pan Am flight 103 informed of the security bulletin?

ANSWER. This is part of the ongoing regulatory investigation which the Department cannot comment on at this time.

Senator LAUTENBERG. Has Pan Am changed its crew notification procedures since that fateful flight?

ANSWER. Pan Am has not advised the Department of any changes to its procedures.

DEPARTMENT OF STATE

BUREAU OF CONSULAR AFFAIRS

STATEMENT OF AMBASSADOR CLAYTON McMANAWAY, JR., ASSOCIATE COORDINATOR FOR COUNTERTERRORISM

ACCOMPANIED BY:

CARMEN DiPLACIDO, CHIEF, CITIZENS CONSULAR SERVICES

MICHAEL MAHONEY, DIRECTOR, CITIZENS EMERGENCY CENTER

INTRODUCTION OF WITNESSES

Senator LAUTENBERG. We would now like to call Ambassador McManaway and Mr. DiPlacido and Mr. Mahoney to the witness table, and we will ask you to keep your testimony as brief as you can, Mr. Ambassador. We want to hear what you have to say. We want you to cover the subjects, but you have heard the admonition to the other panels, and we would ask you now to proceed.

Ambassador MCMANAWAY. Thank you, Mr. Chairman. I would like to submit my full statement for the record. We appreciate the opportunity to appear here today to discuss the steps being taken by the Department of State to help prevent a repetition of the tragic bombing of Pan Am Flight 103.

The destruction to Pan Am Flight 103 on December 21, 1988, was a terrible tragedy. All of us deeply regret the loss suffered by families and friends of those on Pan Am 103 and the people of Lockerbie.

Let me assure all concerned that everything possible is being done to investigate this incident and bring to justice those responsible and enhance aviation security to help prevent repetition of this tragic event.

As Secretary Skinner has already testified on what his Department is doing to enhance security procedures and technology, I will focus my testimony on reviewing Department of State initiatives to help prevent a repetition of this event.

The Department of State has been active on an international front to help prevent another Pan Am 103. A special meeting of the terrorism experts group of the Summit 7 was called in response to the Pan Am 103 bombing. At that meeting the United States argued forcefully that the bombing of Pan Am 103 demonstrated the urgent need for upgrading air security measures worldwide.

There was general agreement among the Summit 7 representatives that the threat to air travel is not limited to American carriers and that the International Civil Aviation Organization [ICAO] is the appropriate forum for strengthening worldwide civil aviation security standards.

Further, the experts agreed the discussion should begin immediately on the possibility of an international convention that would

call for tagging of plastic explosives during their manufacturing process.

ICAO

Following this meeting, as you have heard from Secretary Skinner, the United States and Britain called for a special ministerial level meeting of the ICAO council to discuss Pan Am 103 and its implications for international civil aviation.

As noted by Secretary Skinner, who led the U.S. delegation, emerging from that meeting was a comprehensive work plan which will result in ICAO developing new security procedures to help prevent a repetition of the Pan Am tragedy.

To advance the exchange of information on the complex topic of tagging explosives, the United States and the Department of State specifically hosted in Washington a meeting on March 2 and 3 of explosive experts from a number of allied states. The meeting established a work plan for further research into the basic issues involved in detecting plastic explosives.

The United States also participated last week in similar meetings held under the ICAO auspices in Montreal. While no official announcement has been made of the results of that meeting, I understand that important progress was made. Whether it will be possible to negotiate an international agreement regarding taggants remains to be seen. But the common recognition by governments throughout the world that something more needs to be done to increase security from terrorist bombs represents a major step forward.

RESEARCH AND DEVELOPMENT

In terms of our own direct activities, the Department of State funds counterterrorism research and development, which includes projects to help prevent aircraft sabotage. This interagency R&D program is coordinated with nearly 30 Federal agencies. The FAA is one of our most important partners in this endeavor.

In fiscal year 1990 the Department of State is seeking $6 million to support this interagency program which provides the money for a range of research and development programs which otherwise would not be funded by any particular agency. I would hope that the members of the subcommittee would support this funding request during full committee markup of the Commerce, Justice, and State appropriations bill.

The Department of State also offers a training program for foreign civil aviation security officials through its antiterrorism assistance program.

Now, I will begin to summarize even more than I had planned to, Mr. Chairman, and I apologize for the length.

Since its inception in 1983 this program has trained over 650 students from 28 nations in advanced civil aviation security or airport police management.

"HELSINKI THREAT"

Mr. Chairman, there has been much discussion over the aviation security bulletin issued in response to the so-called Helsinki threat. Let me use this opportunity to correct some misimpressions about that threat. I will use the term "threat," but it was, in fact, a hoax and not a legitimate threat.

The threat was made, as you have heard, in a telephone call to the U.S. Embassy in Helsinki on December 5. It was reported to Washington and FAA issued an aviation security bulletin. The threat was to a Pan American flight from Frankfurt to the United States during the subsequent 2-week period. A bomb was to be carried onto the plane by an unsuspecting Finnish woman. Note that no specific flight number, date, or itinerary was provided.

Pan Am offers over 50 flights per week from Frankfurt to the United States. Increased security in response to this threat was imposed for these flights, but there was no threat, not even a false one, specific to Pan Am 103.

By December 10 the Finnish police had determined that the threat was a hoax. In the wake of the Pan Am bombing this threat was thoroughly reinvestigated by the Finns, the United States and other concerned governments, and it is our unanimous conclusion that the Helsinki threat was baseless.

Perhaps it would be useful, Mr. Chairman, to take just a moment at this point to describe how the United States analyzes terrorist threat information to the extent that I can in this open hearing.

Our system is based on a comprehensive national level process which responds to threat information received by any concerned U.S. agency and ensures that this information is acted upon in a timely manner. The objective of this system is to review and forward terrorist threat alert or advisory information quickly to those responsible for countering terrorist actions.

In addition, our system includes provisions for alerting the general public of terrorist threat information via Department of State public travel advisories for credible and specific terrorist threats be they in a city, region or nation.

We also use travel advisories in conjunction with the FAA to advise the American public in those situations in which aviation security in a given airport is deemed inadequate to ensure the security of passengers.

CANCELING FLIGHTS

Last, should we have a credible threat that could not be countered to a specific flight or flights, we would strongly recommend to the air carrier that it cancel the flight or flights in question. If the airline was unwilling to do so, or if otherwise required, the Department of State would issue a public travel advisory to alert the American traveling public to this threat.

Mr. Chairman, I want to assure you, this committee, the Congress, and the American people that there is not and cannot be a double standard between the travel security information available to official personnel overseas and to the American public.

Let me reemphasize: If we have a specific and credible threat to civil aviation security which cannot be countered, we will strongly

recommend to the air carrier that it cancel the threatened flight. And, if necessary, we will issue a public travel advisory to alert the American traveling public to this threat.

Mr. Chairman, in closing let me say that preventing another tragedy such as the Pan Am 103 bombing will be a permanent preoccupation of the concerned agencies of the U.S. Government.

With regard to those responsible for Pan Am 103, I am confident that we will eventually identify them and that we will then do everything in our power to bring them to justice.

I look forward to your questions.

[The statement follows:]

STATEMENT OF AMBASSADOR CLAYTON E. MCMANAWAY, JR.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before this Committee to discuss the steps being taken by the Department of State to help prevent a repetition of the tragic bombing of Pan Am 103.

The callous destruction of Pan Am flight 103 on December 21, 1988 was a terrible international tragedy. The victims were not only the passengers and crew on the plane and the villagers in Lockerbie, but also their relatives and friends and all who were touched by this horrible act. All of us deeply regret the loss suffered by families and friends of those on Pan Am 103 and the people of Lockerbie. Let me assure all concerned that everything possible is being done to investigate this incident, bring to justice promptly those responsible, and enhance aviation security to help prevent a repetition of this tragic event.

The U.S. Government response to the Pan Am 103 incident includes a great deal of work by our intelligence and investigatory agencies as well as the Departments of State and Transportation. As Secretary Skinner has already testified on what his Department is doing to enhance security procedures and technology, I will focus my testimony on reviewing Department of State initiatives to help prevent a repetition of Pan Am 103. The work of the intelligence and investigatory agencies must remain beyond the scope of my testimony.

DIPLOMATIC INITIATIVES

The Department of State has been active on the international front to help prevent another Pan Am 103. A special meeting of the Terrorism Experts Group of the Summit 7 was called in response to the Pan Am 103 bombing. At that meeting, the U.S. argued forcefully that the bombing of Pan Am 103 demonstrated the urgent need for upgrading air security measures worldwide. There was general agreement among the Summit 7 representatives that the threat to air travel is not limited to American carriers and that the International Civil Aviation Organization (ICAO) is the appropriate forum for strengthening worldwide civil aviation security standards. Further, the Experts endorsed a German suggestion that discussions begin on the possibility of an international convention that would call for "tagging" plastic explosives during their manufacturing process by those nations that produce such explosives.

Following this meeting, the U.S. and Britain called for a special, ministerial-level meeting of the ICAO Council to discuss Pan Am 103 and its implication for international civil aviation. As noted by Secretary Skinner, who led the U.S. delegation, this ministerial-level meeting was held on February 15–16. Emerging from the meeting was a comprehensive work plan which will result in ICAO developing new security procedures to help prevent a repetition of the Pan Am tragedy.

Concerning the detection of plastic explosives, "taggants" are substances that could be introduced into plastic explosives during their manufacturing process, thereby making the explosives detectable using existing technology. To advance the exchange of information on this complex topic, the U.S. hosted in Washington a recent meeting of explosives experts from a number of allied states. The meeting established a work plan for further research into the basic issues involved in detecting plastic explosives. The participants agreed to meet in the near future to review the results of preliminary research and to determine which tagging or detection methods offer the greatest promise. The U.S. also participated last week in similar meetings held under ICAO auspices in Montreal. While no official announcement

has been made of the results of that meeting, I understand that important progress was made.

Whether it will be possible to negotiate an international agreement regarding taggants remains to be seen. Clearly, there are many serious practical and technical impediments which need to be overcome. At the same time, the common recognition by governments throughout the world that something more needs to be done to increase security from terrorist bombs represents a major step forward.

RESEARCH AND DEVELOPMENT

The Department of State funds counterterrorism research and development which includes projects to help prevent aircraft sabotage. This national, interagency counterterrorism R&D program is coordinated with nearly thirty Federal agencies. The FAA is one of our most important partners in this endeavor. In fiscal year 1990 the Department of State is seeking $6 million to support this interagency program which provides seed money for a range of research and development programs which otherwise would not be funded by any particular Federal agency. Included in this R&D program are projects to develop less expensive and more widely applicable detectors to identify plastic explosives or chemical/biological agents in closed containers. I would hope that the Members of this Subcommittee could support this funding request during full Committee markup of the Commerce/Justice/State appropriations bill.

Another R&D effort at State is conducted through the Bureau of Diplomatic Security which financed the development of a state of the art "sniffer" to detect nitrogen vapors emitted by explosives. The first operating model of this equipment will be delivered to the Department of State this summer. This device will become part of our program to protect our posts abroad. The research and development of this sniffer is complementary to similar programs undertaken by the FAA. In fact, FAA has funded R&D into this same technology in view of its possible applications in checking airline passengers, their luggage and carry-on items.

INTERNATIONAL TRAINING

The Department of State also offers a training program for foreign civil aviation security officials through its Anti-terrorism Assistance Program (ATA). Through ATA we offer training to officials from friendly governments in a variety of police and security skills. Approximately 15 percent of the ATA program is dedicated to aviation security training.

Through the ATA program, the Department of State helps to ensure that participating foreign governments have an effective aviation security program including well-trained staff, supplemented by a variety of technical aids. Since its inception in 1983, the ATA program has trained over 650 students from 28 nations in Advanced Civil Aviation Security or Airport Police Management. Aviation security equipment has been provided to many of these states.

Our training emphasizes the need for redundant screening and recognizes that the most critical element in effective aviation security is the well-motivated employee who takes his or her duties seriously. We teach the interdependence and supplemental effects of people, dogs and existing technology such as x-rays. We will, of course, incorporate into our training, as they emerge, the "lessons learned" from the Pan Am 103 tragedy.

TERRORISM THREAT INFORMATION

Mr. Chairman, there has been much discussion over the aviation security bulletin issued in response to the so-called Helsinki"threat". Let me use this opportunity to correct some misimpressions about that "threat". I will use the term threat, but it was in fact a hoax, and not a legitimate threat.

- The "threat" was made in a telephone call to the U.S.Embassy in Helsinki on 5 December. It was reported to Washington and on 7 December the FAA issued an aviation security bulletin. That same day the Regional Security Officer in Frankfurt contacted airport security officials at the Frankfurt International Airport to alert them to the situation.
- The "threat" was to a Pan American flight from Frankfurt to the U.S. during the subsequent two week period. A bomb was to be carried onto the plane by an unsuspecting Finnish woman.
- Note that no specific flight number, date or itinerary was provided. Pan Am offers over fifty flights per week from Frankfurt to the U.S. Increased security

in response to this threat was imposed for these flights. But there was no threat, not even a false one, specific to Pan Am 103.

- By 10 December the Finnish police had determined that the "threat" was a hoax. The U.S. fully concurred in this judgment. However, the enhanced security imposed in response to this "threat" continued.
- In the wake of the Pan Am bombing this "threat" was thoroughly reinvestigated by the Finns, the U.S. and other concerned governments. It is our unanimous conclusion that the Helsinki "threat" was baseless. The caller, who is known to the Finnish authorities from similar calls he made to the Israeli Embassy, drew upon information available in the press to concoct his story. In this case, however, his "threat" was a horrifying coincidence with what actually happened to Pan Am 103.

Perhaps it would be useful, Mr. Chairman, to take a moment at this point to describe how the U.S. analyzes terrorist threat information. Our system is based on a comprehensive, national-level process which responds to threat information received by any concerned U.S. agency and ensures that this information is acted upon in a timely manner. The objective of the system is to review and forward terrorist threat alert or advisory information quickly to those responsible for countering terrorist actions.

The vast majority of terrorist threats that we receive are against U.S. government personnel or facilities as well as U.S. businesses with a permanent and visible presence overseas. The national threat alert and advisory system is designed to advise security officials of these types of threats.

In addition, our system includes provisions, for alerting the general public of terrorist threat information via Department of State public travel advisories. This system would be employed, for example, if we were aware of credible and specific terrorist threats—be they in a city, region or nation—to Americans traveling abroad. We also use our travel advisory system, in conjunction with the FAA, to advise the American public in those situations in which aviation security in a given airport is deemed inadequate to ensure the security of passengers. Lastly, should we have a credible threat that could not be countered to a specific flight or flights, we would strongly recommend to the air carrier that it cancel the flight(s) in question. If the airline was unwilling to do so, the Department of State would issue a public travel advisory to alert the American traveling public to this threat.

Please note that I have not mentioned the aviation security bulletin in this context. Such bulletins are not "threat advisories". FAA disseminates the bulletins to aviation security officials and others responsible for ensuring the safety of U.S. air carriers operating throughout the world. The Department of State repeats these cables to posts affected by the bulletin so that specified officials at our diplomatic posts—consistent with their official responsibilities for civil aviation and security matters can assist the U.S. carriers in obtaining the cooperation of the host government in increasing security measures as appropriate. These bulletins are not to be used as threat advisories to U.S. Government personnel. In the wake of Pan Am 103, we have restated these procedures to our embassies and consulates in the clearest possible language to ensure that all of them understand the purpose and limited dissemination of FAA Aviation Security Bulletins.

Mr. Chairman, I want to assure you, this Committee, the Congress and the American people that there is not and cannot be a double standard between the travel security information available to official personnel overseas and to the American public. Let me emphasize:

- If we have a specific and credible threat to civil aviation security which cannot be countered, we will strongly recommend to the air carrier that it cancel the threatened flight.
- If the airline is unwilling to do so, we will issue a public travel advisory to alert the American traveling public to this threat.

COUNTERTERRORISM POLICY

Mr. Chairman, while my testimony has focused on the Department of State's response to Pan Am 103, in accord with the purposes of this hearing, I would like to take this opportunity to summarize briefly our overall counterterrorism policy and program.

- The U.S. does not make concessions to terrorists or compromise our fundamental principles.
- Second, we apply pressure to states which support terrorist groups and use terrorism as part of their foreign policy. We work to make states which supply terrorists with training sites, weapons, money, passports, or other logistical sup-

port bear the price for their unacceptable behavior. We actively seek international cooperation in this effort.

- Third, the U.S. and other like-minded nations, employ practical measures to counter terrorists. These measures are the bread and butter of our work—not glamorous, but essential. They include identifying, tracking, apprehending, prosecuting and punishing terrorists for their crimes. In a phrase, it is the application of the rule of law—treating terrorists for what they are: criminals and outlaws. While it is not the stuff of headlines or news stories, let me assure you that this is an active, on-going program to which the U.S. Government devotes large amounts of time and energy.

Mr. Chairman, in closing let me say that preventing another tragedy such as the Pan Am 103 bombing will be a permanent preoccupation of the concerned agencies of the U.S. Government. With regard to those responsible for Pan Am 103, I am confident that we will eventually identify them and that we will then do everything in our power to bring them to justice.

I look forward to your questions.

ALERTS TO GOVERNMENT EMPLOYEES

Senator LAUTENBERG. Thank you very much. We appreciate the fact that you were able to establish the date for us when this Helsinki threat was, let us say, dismissed as a credible threat—you described it as a hoax, and you said your research indicated that there was nothing unusual about that.

Was there a continued alert, as far as the State Department was concerned, to those who might fly on the Pan Am flight that got to State Department or other Government employees about taking extra caution about flights back to America, in particular Pan Am flights?

Ambassador MCMANAWAY. No, sir; aside from the posting by the Embassy in Moscow of that FAA bulletin, and that should not have been done, there were no other alerts to the U.S. Government personnel.

Senator LAUTENBERG. Have you investigated and are you aware of any cancellation of flights by those who might have been traveling on that ill-fated flight?

Ambassador MCMANAWAY. I am not aware of any cancellations, Mr. Chairman. I know that there have been several reports which were erroneous, particularly about people traveling, American Government people traveling from Lebanon, that they had canceled their flight or changed their flight. In fact, that was erroneous. They had never planned to take this flight to begin with.

I think in that case it happened to have been the Ambassador.

I would, if I might, point out there were 31 U.S. Government employees on board the flight, the second largest single grouping.

Senator LAUTENBERG. Were they all State Department employees?

Ambassador MCMANAWAY. No, sir; they were not. I can provide you with a list.

Senator LAUTENBERG. How many of those were State Department?

Ambassador MCMANAWAY. There were three State Department employees. There were Peace Corps, a number of military, and the dependents.

[The information follows:]

U.S. GOVERNMENT EMPLOYEES ON PAN AM 103

Bergstrom, Phillip Vernon, Army; Bernstein, Michael Stuart, Department of Justice; Butler, Steven, Peace Corps; Coursey, Willis Larry, Army; Coyle, Patricia Mary, Military (branch unknown); Curry, Joseph Patrick, Army; Eggleston, Edgar Howard, Army; Gannon, Matthew Kevin, Department of State; Gibson, Kenneth, Army; Lariviere, Ronald A., Department of State; Ludlow, Lloyd David, Army; Malicote, Douglas, Army; Malicote, Wendy Gay, Army (wife of Douglas Malicote); McKee, Charles Dennis, Army; Mitchell, Jewel Courtney, Army; O'Connor, Daniel Emmett, Department of State; Smith, Mary E., Army; Stinnet, Michael, Army; Stinnet, Charlotte, Army (wife of Michael Stinnet); Bell, Stacey Leann, Army (daughter of Michael Stinnet); Thomas, Lawanda S., Air Force; Thomas, Jonathan R., Air Force (son of Lawanda Thomas); Williams, Eric J., Army; Williams, Bonnie Leigh, Army (wife of Eric Williams); Williams, Stephanie Leigh, Army (daughter of Eric Williams); Williams, Brittany L., Army (daughter of Eric Williams); Williams, George Waterson, Army; Woods, Joe Nathan, Air Force; Woods, Dedera, Air Force; Woods, Chelsea, Air Force (daughter of Joe Woods); and Woods, Joe Jr., Air Force (son of Joe Woods).

PUBLIC NOTIFICATION

Senator LAUTENBERG. One of the concerns expressed by many people was also that the military personnel did not have the same level of notification that the State Department people had. Are you able to say here that your review confirmed that there were no special notices, advisories, or concerns expressed by the State Department to their personnel and the fact that three people were lost and the fact that so many were lost is a total tragedy?

The nagging suspicion of the families that many of us talked to was that they were dealt with in a manner different than the people who worked for the State Department were dealt with. Do you have any assurances that that was not the case?

Ambassador MCMANAWAY. Again, Mr. Chairman, aside from the posting of that bulletin at the Moscow—on the Moscow Embassy bulletin board, I know of no alerts or special information provided. This is something that has plagued us in the State Department, believe me, and we regretted sincerely that this impression——

SECURITY BULLETIN POSTING

Senator LAUTENBERG. You said the bulletin should not have been posted?

Ambassador MCMANAWAY. It should not have been posted.

Senator LAUTENBERG. Certainly it is possible that someone who saw that bulletin said listen, the heck with that. I am not going to take that risk and made alternate plans.

Ambassador MCMANAWAY. That is possible. I would only add that the notice that was put on the bulletin board in the Embassy in Moscow said, at the very end of it, that this does not relieve you of the responsibility for flying on American flights.

Senator LAUTENBERG. But there may have been an advantage by some. With that knowledge, at least, they had the option of taking it seriously or dismissing it and doing something else. That was certainly not the same condition under which other passengers traveled. Anyone who did not have the opportunity to see that posted bulletin was at a distinct disadvantage from those who saw it.

Ambassador McMANAWAY. You have to decide not to fly Pan American, not Pan Am 103. Please keep that in mind. There was no specific threat against Pan Am 103.

Senator LAUTENBERG. Are State Department employees compelled to fly American carriers?

Ambassador McMANAWAY. Yes, sir; except under extraordinary circumstances.

Senator LAUTENBERG. What kind of extraordinary circumstances?

Ambassador McMANAWAY. To be perfectly honest with you, I do not recall exactly what they are, but there are regulations which I will be glad to provide.

Senator LAUTENBERG. And they say that well, my life may be threatened if I take an American carrier?

Ambassador McMANAWAY. I do not believe that is covered.

Senator LAUTENBERG. I would be very interested in what the regulations say about the extraordinary conditions that State Department people are excused from flying on American carriers.

Ambassador McMANAWAY. We would be happy to provide that.

[The information follows:]

The Foreign Affairs Regulations, 6 FAM 135.3d(1), state that:

"U.S. flag carriers should be used for all travel except:

"(1) When use of such service would interfere with the accomplishment of an essential mission.

"(2) When unaccompanied children (16 years of age or younger) would have to change airports at an interchange point, overnight at such points or experience delays in excess of 3 hours at the interchange point.

The regulations read:

"(3) When it has been determined that delay could be detrimental to the health of the traveler, an employee or dependent, or when traveling under emergency visitation or medical evacuation orders (certified by competent medical authority in the case of medical evacuation). Travel of medically authorized attendant(s) is also authorized. The authorizing officer must provide a statement to the traveler outlining the urgent travel requirement and the reason why U.S. air carriers were not considered available. The traveler will file the statement with the travel voucher. Return travel is to be performed in accordance with instructions contained in section 135.3;

"(4) When an official traveler is denied boarding by a U.S. carrier, the traveler may accept a seat provided by the airline's representative on a foreign-flag flight, notwithstanding the availability of alternate U.S. air carrier service. This provision also applies to cases where a traveler is denied boarding while on indirect travel or annual leave which is taken in conjunction with TDY, home leave, or transfer travel. The traveler should attempt to get a statement of the denied boarding from the airline representative to file with the traveler's travel voucher;

"(5) When the gateway airport abroad is the traveler's origin or destination airport, and the use of U.S. air carrier service would extend the time in a travel status, including delay at origin and early arrival at destination, by at least 24 hours;

"(6) When the gateway airport abroad is an interchange point, and the use of U.S. air carrier service would require the traveler to wait 6 hours or more to make connections at that point;

"(7) When connecting with ongoing flights at the gateway airport in the United States would extend the traveler's time in a travel status by at least 6 hours; and

"(8) When the travel abroad is a portion of the trip to the United States, travelers may interchange to U.S. air carriers at a point which will permit arrival in the U.S. on a flight which directly serves the interchange point and destination. Likewise, when travel abroad is a portion of the trip from the United States, travelers may interchange to foreign carrier service at a point which will permit departure from the U.S. on a U.S. air carrier flight directly serving the origin and the interchange point."

NOTE: After Pan Am 103, several Embassies requested exemption from the regulations, but permission was denied.

CONCERNS OF SURVIVING FAMILIES

Senator LAUTENBERG. The families that I met with, friends that I met with, of the victims present a very disturbing picture. Of course, their principal interest is why their family members or friends did not have a chance to make a decision, and that is past.

The concerns that were further expressed were that the State Department did not care as much, and you heard this and you read it in the papers—as much as other governments did in responding to the queries and the concerns, the search for effects, and the results of autopsies.

They said, as I remember the comments in the paper, that the British Government was acting more like they were our Government than the State Department was acting, and the State Department was acting more like they were someone else's government.

Now, we are going to hear from the victims' families in direct testimony a little bit later. They expressed their disappointment at the staffing at Lockerbie after the tragedy and the communications they received. They could not get responses.

Have you reviewed what happened in the aftermath of the incident in terms of the State Department's presence at the Lockerbie scene to try to deal with the families' concerns and their interests in recapturing whatever information they could?

Ambassador MCMANAWAY. Yes, sir; we have, and we are still doing that. This is really more in the province of my colleagues, and I would like to turn to them to answer specifically.

Before I do, I would like to share your admiration for the families who have come forward with their thoughts, and particularly those who are making suggestions for improvements. They are welcome and we will take them very seriously.

I would like to ask Mr. Mahoney to respond.

ASSISTANCE TO FAMILIES

Mr. MAHONEY. Yes; we have asked the embassy in London and the consulate in Edinburgh to review what happened after the crash and the things that they did to try and help the families.

I think it is important to keep in mind that this is really an unprecedented tragedy. It is not only a major air disaster, but it is also a huge case of felony murder. And because of this the services that we would provide were in many ways slowed up, delayed, or perhaps not even available, for example.

The British, understandably, took the position that all of the effects, all of the property that was collected over a long period of time, over an 800- to 900-square-mile area that the wreckage of this plane covered, all of those effects had to be looked at in the first instance as evidence or potential evidence in a felony and so the cataloging of everything that was found, the ability to provide information rapidly to the families about what had been found and who it belonged to, all of these things were slowed up.

In other air crashes that I have worked on, it would have been many weeks since by now that the effects would have been returned to the families. That has not been possible in this situation.

Senator LAUTENBERG. What is the principal reason for that?

Mr. MAHONEY. The only thing I can tell you is that there was a team of British policemen here last weekend. They met with families in New York and Boston. They are now meeting with families in Ohio, yesterday in Detroit, and they have gone through, I think, at some length the explanation for this, and my impression is that the families were gratified with these meetings.

But, in any case, it is understandable that carrying this process out much longer than necessary has caused a great deal of anguish to the families, and I feel very badly for them frankly.

I can only say that we feel that we did the best we could to have people not only at the crash site, but also at airports to meet families coming to visit and at hotels where they were staying. The Embassy ran a 24-hour watch system for many days as we did in the State Department, all with the interest of providing whatever information and attention we could to the families.

We are expecting to receive a fairly lengthy report very soon from the Embassy about its review of what took place after the crash.

TASK FORCE PERSONNEL

Senator LAUTENBERG. Do you know how many people were assigned to deal with the families, to deal with the problems that came in the aftermath, the period immediately after in the late days of December? Can you tell me how many people were assigned there to deal with this?

Mr. MAHONEY. Well, for example, we have a chronology that we have prepared that gives the number of people that worked on each shift. We did around the clock shifts for at least a week after the crash at the State Department, and we counted about 800 hours of overtime, for example. That is apart from 9 to 5 work.

I know that there were the full resources of the consular section in London, which is about 30 American officers, along with officers from other sections of that Embassy were deployed full time for some weeks to try and help out with this.

Senator LAUTENBERG. I know you did not mean to, Mr. Mahoney, say anything that was offensive, but when you make a 9 to 5 reference and in view of what took place with these families and this assault on American citizens and on our own sovereignty, that is an inappropriate reference.

Ambassador MCMANAWAY. Excuse me, Mr. Chairman. I think Mr. Mahoney meant to say that these are people who work their regular work and then worked a full shift at night.

Senator LAUTENBERG. Well, I heard, and I hope that when we have a chance to talk to the families and friends that they will confirm what was said to me in my office in Newark, that there was one person who complained about the fact that he was doing all he could and he was tired, too. It was not a sterling performance by the State Department. And what we are hearing here about overtime and hours put in, it just is not a fit subject.

These people are trying to take hold of life and restore some sanity to their environment. They ask where the belongings, what proof do I have, what happened to my child, what happened to my brother or sister, mother or father? To hear the State Department

pull out the regulations suggests a major review of that process should take place.

I will now call on Senator D'Amato.

SECURITY BULLETIN POSTING

Senator D'AMATO. Thank you, Mr. Chairman.

Mr. Ambassador, I heard you clearly indicate that the travel advisory was or at least the concern expressed in the document as it related to the possibility of there being an attack or a threat was inappropriately and inadvertently posted in Moscow, and I use my own words. Is that a fair characterization?

Ambassador MCMANAWAY. Yes, sir.

Senator D'AMATO. Well, let us get to the nub of—well, it even intends to deal with the legislative proposal which comes about as a result of recommendations made by the families of the victims as well as staff that there not be a dual system, that we be sure that everyone is treated in the same manner, and if you indicate that there was one posting and that it was at the Moscow Embassy, I certainly know that you have no reason to give us that information other than that which you have been told and which you are relying on.

But there is a haunting question. Senator Lautenberg alluded to it and others. How many within the State Department, if any, were booked on that particular flight and changed their plans?

Now, to date, Secretary Skinner, Mr. Salazar from FAA were unable to give us that information. You have been unable at this time and are not prepared to give us with any specificity the knowledge of anyone having changed plans.

I would ask you, then, because this is going to be a haunting question, and it is not going to go away, will you in cooperation with the airline and in cooperation with the FAA if necessary ascertain with specificity who may have from the State Department booked passage, how many, and changed passage as it relates to that particular flight. Will you do that for us?

Ambassador MCMANAWAY. Yes, I will.

[The information follows:]

The State Department, working with Pan Am, has analyzed Pan Am's reservation, cancellation and no-show records of flight 103 and has found no factual basis for the assertion that State Department officials systematically cancelled reservations on the flight based on the security bulletin. We cross-checked with our personnel records and have not found that any passengers who changed their reservations were State Department employees. To the contrary, we did determine that 23 employees or dependents from the U.S. Embassy in Moscow flew on Pan Am via Frankfurt to the United States from December 13 to December 22.

We also have checked into other questions raised about the bookings on Pan Am 103 and would like to provide the following additional information:

- The flight was never sold out. The maximum number of reservations ever held for the flight was 253 out of a seating capacity of more than 400. That was as of December 20.
- It is possible that people seeking reservations at certain times and at certain fares were told that no seats were available "in that fare structure." This is consistent with the "yield management systems" employed by airlines and does not mean that all seats, in all fares, were "sold out." Syracuse University reserved many of the lowest fare seats on the flight in May 1988. Attempts to make reservations at these discounted fares were difficult until Syracuse University released seats it did not need.

- Only 17 passengers were "no-shows." This is well within the percentage that Pan Am would expect on such a flight.
- Between December 7, the day that State and FAA were advised of the so-called "Helsinki threat" and December 21, the number of reservations for the flight increased by nearly 60 percent.
- There is no evidence whatsoever of any pattern of cancelled reservations for this flight by anyone or any group.

Senator D'AMATO. That is important. That is very important. And just as your testimony today concerning the level of dissemination of this notice of a possible threat is important because it is. It is important to these families. It is important to the governance. It is important to fair play. It is important to eliminate that contention which I have heard repeated over and over and over and one which I certainly am concerned about as well as Senator Lautenberg and others. Do we have a dual standard? So, that is why it really is important, and it is the only way we are going to put some of these things to rest.

AUTHORITY TO CANCEL FLIGHTS

Let me ask you, Mr. Ambassador, to testify. You indicated that if the State Department received a credible threat that could not be countered to a specific flight, then the State Department would recommend to the air carrier that the flights be canceled.

Well, let me ask you. Does the State Department or for that matter the Secretary of Transportation have the power to actually cancel flights?

Ambassador MCMANAWAY. I do not believe we have. I do not know about the Secretary of Transportation.

Senator D'AMATO. I know you don't.

Ambassador MCMANAWAY. That is why we formulated this policy the way we have. He also has in mind third party, other country carriers.

Senator D'AMATO. Well, understand the nature of the legislation which we are talking about would give at least to the Secretary of Transportation and to anyone obviously within the rules that he designed to make that cancellation.

Do you not think you should have it, as opposed to saying well, this is what we would do: we would recommend to the carrier that they cancel the flight when you really do not have the ability to make that definitively, whether it is yourself or whether it is the Department of Transportation. Do you think you should have that authority?

Ambassador MCMANAWAY. I think the Secretary of Transportation should respond to that officially, sir. I personally would have no problem with it. I also said it is hard for me to imagine a U.S. carrier not taking that recommendation.

Senator D'AMATO. Well, let us take that then and pursue this matter. How many times in the past have you actually had this situation occur?

Ambassador MCMANAWAY. We have not. We do not get those kinds of threats very often, Senator.

ASSESSING THREATS

Senator D'AMATO. Well, what you are saying then is that because you with specificity come around this question as it relates to credible threats that you cannot counter, in essence, if we were to accept that testimony you are always, and you have always been in a position, at least in your opinion—and I do not mean to make this personal but in State Department's opinion, et cetera—to counter these threats. That is what you are saying.

Ambassador MCMANAWAY. I am saying that if we—and this assessment, by the way, is an interagency assessment. It is not just the State Department. The entire intelligence community is involved in assessing the threat and our ability to counter it. If there is any doubt that we can counter a threat that we otherwise deem credible to a specific flight we would make sure that flight gets canceled.

Senator D'AMATO. But to date you have never had that situation?

Ambassador MCMANAWAY. We have not had that kind of threat, no sir.

Senator D'AMATO. Well let us take it another step then. What about a credible threat such as the one that at least had your intelligence people look at this and at least take the precautions to try to track down whoever the person was, the hoaxer, and apparently he was identified, what if there are a group of flights that might come under the purview of this threat? Have there been any times when there have been any cancellations, to your knowledge?

Ambassador MCMANAWAY. Of groups of flights? Not to my knowledge, no sir.

FLIGHT CANCELLATIONS OR DISRUPTIONS

Senator D'AMATO. In other words, a threat of this type comes through, has it ever resulted in any disruption or cancellation of flights, to your knowledge?

Ambassador MCMANAWAY. We have had—well, worldwide, since Pan Am 103, there have been over 50 threats to flights that have caused disruptions of one kind or another. This is global and not all U.S. Flights have returned to their airfields, offloaded passengers, checked out—one thing or another has happened to the flight.

Senator D'AMATO. Since 103. So are you saying that since 103 new standards and procedures have been implemented?

Ambassador MCMANAWAY. No; these are not actions that we have taken, but I am saying that there have been that many additional threats, all of them, by the way, hoaxes, that have caused disruption to flights.

Senator D'AMATO. Well they have been threats of some kind that have some kind of reliability to them, or degree of concern. At least, you have raised the level of concern. You do not call back a flight——

Ambassador MCMANAWAY. Specificity, Senator. That flight has a bomb on it. A phone call. So people have reacted, not just U.S., but other carriers have reacted around the world after Pan Am 103.

Senator D'AMATO. You are going to get us the information as it relates to the dissemination to the State Department's employees,

the information, and as a result of that, so once and for all we can ascertain how many State Department employees, if any, canceled out of that flight?

Ambassador McMANAWAY. To the best of my ability, Senator, we will try to also include motivation where we can get it.

ADDITIONAL SECURITY PROCEDURES

Senator D'AMATO. Good. I would appreciate that, because I think I am not going to go into the area that Senator Lautenberg has indicated because there has been a high level, a high degree of distress from the families that has been expressed to many, many people as it relates to the kind of information, the flow of information that comes and has come to them.

I will say this though, it seems to me that we are, I think, maybe more interested in a certain segment—and I understand there may be some of my people who I represent who may not be happy with what I am going to say—but where we may be more interested in not jeopardizing profits and there is a certain feeling, profits, time, et cetera, that I think we can do more, that the lives of people and security and well-being is more important.

Indeed it may mean that additional security procedures which are costly, which are time consuming, which will have an adverse impact on travel, which will make it more difficult for our own citizens, is a price that I believe the people expect to pay and are willing to pay, rightfully or wrongfully.

There is an airline called El Al. There is no other airline in the world, none, that has a greater threat to it, to the passengers who use it—constant—and they have brought about some of the most severe, as it relates to security, regulations and rules and have implemented them to guarantee safety.

I am going to suggest to you—and I should obviously suggest it to the Secretary of Transportation—that we review which of those procedures, whether it is the piece by piece inspection of all luggage, of all materials, of having people come in 2, or 3, or 4 hours early to do that.

Obviously that is going to be a hardship, but I think that if we are going to say that we are doing everything we can, everything reasonably that we can to combat this threat—and it is a threat—of a new kind of warfare, this terrorism, this is the kind of action that we may be required to undertake.

I would, Mr. Chairman, ask that I be permitted to submit a number of questions—I know in the interest of time—but for the record and ask that they be responded to.

I thank the Ambassador for his patience.

Senator LAUTENBERG. Thank you very much, Senator.

COMMUNICATION WITH FAMILIES

Senator D'AMATO. Mr. Ambassador, you do understand that we will be submitting questions and we would ask for your prompt response. We know that you want to help as much as possible to avert this kind of thing in the future, but we still have to deal with the problem.

Senator LAUTENBERG. Are you aware of the criticism expressed, that correspondence has not been answered by the State Department? That the State Department, in the view of the 103 families and friends, has not taken a proactive approach to communicate with them; that there was inadequate notice to the next of kin for funeral services for those victims who are not identified. Are you aware of those complaints, those criticisms?

Ambassador MCMANAWAY. I am aware of almost all of those that you listed, Mr. Chairman. I asked about the correspondence before I came up here today and I was assured all the correspondence from Congress on Pan Am 103 had been answered, but if that is not the case——

Senator LAUTENBERG. Well, to the families. I wanted you to express your point of view here because we will have a chance to ask the families about that and I would ask——

Ambassador MCMANAWAY. Mr. Chairman, could I take just one moment to respond if I could on a couple of things, if you do not mind.

I do not want to suggest in any way that we are ducking our responsibilities on the one hand, or criticizing anyone else on the other hand, but in the beginning of this and in the aftermath of this tragedy, Pan American indicated very clearly that they wanted to be the ones in charge of notification of kin and a lot of other procedures that we would normally have done.

We think they did a good job and we are not criticizing them, but it did put the Department in a somewhat awkward position. We did not have a lot of information in the beginning that we normally would have had and I just want to make that point.

STATE DEPARTMENT RESPONSIBILITIES

Senator LAUTENBERG. My admonition is that once our Government, which we are all part of, relinquishes its rights, its role, to a company, no matter who that company is, we are saying in effect that the responsibility for the protection of our citizens lies not with this Government but with this company.

Ambassador MCMANAWAY. Mr. Chairman, we do not have the authority and I am not speaking for the administration.

Senator LAUTENBERG. But you have the authority and you have the obligation to respond to accidents, to mishaps, to incidents, affecting our citizens abroad. I mean, if someone were mugged on the street in London, or Lisbon, or Stockholm, you would hear about it and that embassy or that consulate would be responsible for trying to make things available for that person, get them back home, try to recover their goods and their materials and so forth, and so I mean you do have responsibility. It does not lie in some kind of a compact with the airlines. I mean, you have an obligation, in my view very clearly, either stated or unstated, to respond to American citizens in trouble.

Ambassador MCMANAWAY. What I was referring to, Mr. Chairman, is we do not have legal authority to demand the transcript or the manifest from an airline. I would welcome that authority.

Senator LAUTENBERG. Well, that is an interesting thing.

Ambassador MCMANAWAY. I welcome that. I am not speaking for the administration, but I would welcome that personally. We do not have that.

Senator LAUTENBERG. Well, we wanted you to be as responsive as you could be and I will close with this. Do you know what the explosive material was that was used in that explosion?

Ambassador MCMANAWAY. The British authorities have yet to say definitively that it was Semtex, but that is the closest that we have come to.

Senator LAUTENBERG. Semtex is only made in one place. Where is it made?

Ambassador MCMANAWAY. Czechoslovakia.

Senator LAUTENBERG. Are we in touch with that government?

Ambassador MCMANAWAY. Yes we are, sir.

Senator LAUTENBERG. OK. We would invite you, unless there is anything else, to sit with us, please, through the remainder of the hearing, away from the table so that we can call on you when we hear from the families. Thank you very much for your testimony.

SUBMITTED QUESTIONS

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR LAUTENBERG

RELATIONSHIP TO FAA

Q. What role does the State Department play in FAA issuing a security bulletin?

A. The State Department has the following roles in the FAA Aviation Security Bulletin process:

—State, through its overseas reporting, may be the source of the information that FAA re-issues as an FAA aviation security bulletin. This was the situation, for example, with the so-called "Helsinki threat" which was telephoned to the U.S. Embassy in Helsinki.

—The FAA clears the text of aviation security bulletins with the State Department prior to its release.

—The Department of State repeats these cables to posts affected by the bulletin so that specified officials at our diplomatic posts can assist the U.S. carriers in obtaining the cooperation of the host government in increasing security measures as appropriate. Such bulletins are not threat advisories to USC personnel and are subject to a very limited distribution at the Embassy. In the wake of Pan Am 103, we have restated these procedures to our embassies and consulates in the clearest possible language to ensure that all of them understand the purpose and limited dissemination of FAA Aviation Security Bulletins.

Q. What role does the State Department play in informing a foreign carrier or foreign airport about a potential threat?

A. The Department of State repeats FAA Aviation Security Bulletins to posts. These cables are repeated to posts affected by the bulletin so that specified officials at our diplomatic posts can assist the U.S. carriers in obtaining the cooperation of the host government in increasing security measures as appropriate.

Embassies are authorized to share the contents of the Bulletin with host nation officials responsible for civil aviation, security and intelligence.

The nation receiving the bulletin makes final decisions on onward dissemination within civil aviation channels in accordance with the text of the FAA aviation security bulletin. The Embassy would not advise foreign carriers of the contents of the Bulletin. If foreign carriers are advised of Aviation Security Bulletins this is done by the government of the airline's nation of registry, not by the USC.

Q. Does the State Department have any authority over, or influence on how a foreign carrier or airport responds to the potential threat notification? Please explain.

A. In answering this question, it is important to separate the issues of "authority" from "influence."

In terms of "authority", there is no direct managerial relationship between the Department of State and any of its Embassies and either a foreign carrier or a foreign airport. Assuming that an airline or airport serves as a carrier or final point of departure for the U.S., there is existing U.S. legislation regarding airport security which is germane to how an airport reacts to a security threat. In a worst case scenario, this legislation (Title 5 of the International Security and Development Cooperation Act of 1985, Public Law 99-83) provides a basis for suspending air service from that airport to the U.S. and issuing a travel advisory to alert the U.S. public to security deficiencies at the airport.

In terms of "influence", it must be recognized that the host government is responsible for security within that country. What the U.S. can do—at either an Embassy or an airport—supplements the basic security provided by the host government.

A concrete example of the State Department's work with other nations concerning civil aviation security occurred in that aftermath of Pan Am 103 when the FAA decided to impose new security standards on U.S. carriers operating in Europe, the Middle East and selected airports in Asia. Each Embassy worked closely with its host government to ensure that these changes could be implemented immediately.

All governments agreed to these changes, even when the imposition of the new security standards created practical difficulties in airport management and operations. Our ability to "influence" other governments in these matters helps ensure that the aviation security bulletin is treated seriously, and that steps are taken to provide additional security measures for U.S. carriers, when necessary to counter a given threat.

Q. Approximately fifty percent of U.S. citizens traveling overseas use foreign carriers. What does the State Department do to ensure their safety?

A. The State Department assists and offers services to Americans who travel abroad on foreign flag carriers in the same manner that it serves all other citizens.

In terms of aviation security the State Department and FAA cooperate in assessing foreign airports as well as foreign carriers serving the United States. Both agencies also have training programs to increase the capabilities of foreign aviation security officials.

Q. Who takes the lead in protecting U.S. citizens who travel overseas, the FAA or the State Department?

A. The FAA plays a crucial role in assessing the security standards at foreign airports and for foreign carriers serving the U.S. This is an extension of FAA's existing authorities which apply to U.S. carriers.

The State Department, on the other hand, assesses overseas situations and offers advice to Americans traveling abroad on a range of issues including overall security and health issues, local legal practices, providing travelers with lists of lawyers, doctors and hospitals and many other services which address problems encountered by Americans while they travel abroad. The State Department is also deeply involved in legal processes when an American dies abroad.

—We visit citizens who are arrested or serving prison sentences.
—We transfer money abroad to citizens in emergency situations.
—If an incarcerated citizen's life is endangered by inadequate diet or medical care provided by a local prison, dietary food supplements and/or medical care may be arranged under the Emergency Medical and Dietary Assistant Program.
—The Department provides repatriation loans to destitute citizens who have no other means to return to the United States.
—If necessary, the Department assists in the return of ill or injured Americans to the United States. This may involve loans for appropriate medical escort via special commercial air ambulance or, occasionally, by U.S. Air Force medevac.

When an American dies abroad we undertake several services:

- To be satisfied next to kin are notified or to do the notification ourselves to the family.
- To transfer money, if needed, for the preparation and return of remains to the United States.
- To prepare a Foreign Service Report of Death which is accepted for U.S. Legal purposes as a death certificate.
- To serve as provisional conservators of an estate of an American dying abroad if authorized next to kin is not at hand.
- To provide all appropriate information to families about these above steps.

—In case of disasters, such as earthquakes, hurricanes and airplane tragedies the Department organizes task forces to respond to public inquires and seek to as-

certain the welfare of Americans believed to be involved. Any or most of the above described services may come into play in such disasters depending on specific circumstances.

Through the Anti-Terrorism Assistance program, the Department works to improve the ability and willingness of other countries to counter possible terrorist threats.

Q. What are security bulletins and who receives them?

A. Security bulletins are developed by the FAA and serve as that agency's means to advise aviation security officials of information which helps ensure the safety of U.S. air carriers throughout the world.

The Department of State repeats these cables to posts affected by the bulletin so that specified officials at our diplomatic posts can assist the U.S. carriers in obtaining the cooperation of the host government in increasing security measures as appropriate. Such bulletins are subject to a very limited distribution.

Consequently, FAA aviation security bulletins are received by FAA officials, security officials at the U.S. carriers and selected personnel, including the Regional Security Officer and civil aviation personnel, at U.S. Embassies in the region affected by the information.

Q. What role does the State Department play in the FAA's decision on whether to issue a security bulletin?

A. The decision on whether to issue such a bulletin rests with the FAA, following consultation with other agencies which may have provided material which is incorporated into the security bulletin. The State Department participates in this process.

Q. Does State play any role in informing U.S. carriers of a security bulletin?

A. The FAA is responsible for advising U.S. air carriers about an aviation security bulletin. The Department of State has no role in this process.

Q. What does the State Department do to inform U.S. citizens that a security bulletin has been issued?

A. In the event of a specific and credible threat to civil aviation which could not be countered, a strong recommendation would be made to the carrier that it cancel the flight(s) in question. If necessary to ensure the security of the traveling public, the Department of State would issue a travel advisory warning the public about this situation.

Such a travel advisory would be widely disseminated in cooperation with the international media and the travel industry itself.

The Department of State will also issue a travel advisory when the Secretary of Transportation, in consultation with the Secretary of State, determines that aviation security at a foreign airport presents a security hazard to the American traveling public.

Q. Is there one set of rules governing the notification of U.S. government overseas employees, and another for its citizens?

A. The Department of State wishes to state categorically to this Committee, the Congress and the American people that there is not, and cannot be, a double standard between the travel security information available to official personnel overseas and to the American public.

Q. Are Embassies or diplomatic posts informed of possible security bulletins, even when FAA has decided not to issue a security bulletin?

A. Aviation security information, whether it results in an aviation security bulletin or not, is occasionally developed based on Embassy reporting. Therefore, a small number of embassies, involved directly with a given security threat, may see the information before it is reissued, if at all, as an FAA security bulletin. This is true whether the threat applies to a U.S. carrier or not.

The number of officials who would see such information in an Embassy is very limited. They would have access to the information consistent with their official duties involving civil aviation or security.

Q. If so, doesn't this suggest a duplicity of treatment?

A. No. Embassy personnel who have access to the information prior to its release as an FAA aviation security bulletin have such access because they were involved in collecting the initial threat information or a closely related function, such as civil aviation or security.

Q. Which is more serious, a travel advisory issued by State or a security bulletin issued by FAA?

A. Travel advisories and security bulletins are significantly different.

A travel advisory is the Department of State's means to advise the public of a situation—be it civil unrest, terrorism, medical or otherwise—which should be considered in making travel-related decisions.

Aviation security bulletins are not public documents. They advise the U.S. air carriers of information which the FAA believes is needed by the carriers to help ensure aviation safety.

A public travel advisory would be issued regarding civil aviation only if the threat was credible, specific and could not be countered. The travel advisory would be issued, for example, if an air carrier declined to cancel a flight in response to such a threat. If a travel advisory is issued in such a circumstance it would serve as the U.S. government's notice to the public to avoid the flight(s) affected by the threat.

INTERNATIONAL CIVIL AVIATION (ICAO)

Q. What was the State Department's participation in the recent ICAO meetings in Montreal regarding aviation security?

A. The State Department was extensively involved in all aspects of the February 15–16 ministerial level meeting of the ICAO Council. First, the State Department, through the U.S. Mission to ICAO in Montreal, brought the issue of Pan Am 103 to the formal attention of ICAO at its Council meetings which began on 16 January. Building upon this issue, and in coordination with the British, the proposal for a special ICAO Ministerial was put forward. Through its Embassies the Department made demarches in many capitals to coordinate with others regarding their participating at this meeting.

In parallel with these approaches, the Department was involved in the interagency effort to refine U.S. objectives for the meeting.

Participating bureaus and offices in this process included the Office of the Ambassador-at-Large for Counterterrorism, the Bureau of Economic and Business Affairs, and the Bureau of International Organizations. Work continues in these bureaus and at the U.S. Mission to ICAO to ensure that the work plan adopted at the ICAO Ministerial is fulfilled by developing enhanced aviation security standards to help prevent a repetition of the Pan Am 103 tragedy.

Q. What was accomplished at those meetings?

A. The February, 1989 meeting of the ICAO Council adopted a detailed work plan which was tasked to two of the standing committees of ICAO. The Unlawful Interference Committee was tasked with developing new security measures applicable to:

—Detection of sabotage devices, especially explosives.
—Comprehensive screening of checked baggage.
—Screening of passengers and hand baggage.
—Security problem created by the increasing carriage of radios, computers, and other electrical equipment.
—Achievement of full and reliable reconciliation of passengers and their baggage.
—Security problems posed by the handling of cargo, mail and courier services.
—Problems of controlling access at airports.
—Provision of advice to States on request on aviation security organization and techniques.
—Coordination by ICAO of an aviation security training program.
—Provision to member States, on request, of international security surveys under ICAO auspices.

The Air Navigation Commission was assigned responsibility for developing procedures to examine the possibility of taking security considerations into account in the design of aircraft. This work plan is currently being fulfilled by the relevant committees. Initial action by the ICAO Council on these proposals should be taken at the Council meeting scheduled for May/June of this year.

Q. What have we learned from the Pan Am flight 103 that will result in changes to international aviation security standards?

A. The sabotage of Pan Am 103 is a tragic reminder that the international community is still vulnerable to terrorist and other criminal attacks. Citizens from approximately twenty nations died in the crash. The attack against Pan Am 103 reinforced the commitment of many nations to work closely and effectively together to promote aviation security.

The detailed work plan adopted at the February meeting of the ICAO Council reflects priority areas in which additional effort is necessary. These include, among others, enhanced capability to detect sabotage devices; comprehensive baggage screening; full and reliable reconciliation of passengers and their baggage; expanded security training; and, improved aircraft design to withstand attacks. Work in each of these areas will go forward in ICAO as well as in individual countries. Over time, this work will enhance further aviation security and promote adoption of the most comprehensive and effective aviation security standards possible.

Q. What is the State Department doing differently today that it wasn't doing before Pan Am flight 103?

A. In the aftermath of the bombing of Pan Am 103 the Department of State has re-issued guidance on the proper handling of aviation security bulletins by our embassies abroad. These instructions make clear that FAA bulletins have a limited circulation at post, are provided for official purposes, are not to be posted in a public area and do not serve as threat advisories to the Embassy community. These instructions were re-issued to preclude another mistake such as the posting the "Helsinki threat" by the Embassy in Moscow.

State is also reviewing its procedures for notifying and supporting next of kin in the wake of disasters so that we may identify "lessons learned" and apply those lessons to any such incidents in the future.

We have also reviewed the national-level counterterrorism research and development program to identify projects or funds that can be redirected to meet higher priorities such as improving the detection of thin sheet explosives.

In addition, we have launched a number of initiatives which may result in an international protocol regarding the "tagging" of plastic explosives. We have taken the lead in urging the international community to develop an effective protocol which requires that plastic explosives be "tagged" to make it easier to detect these materials. The U.S. has hosted a meeting of allied nations on this issue and also participated in a recent meeting under ICAO auspices which reviewed the entire issue.

Q. What new things will the State Department be doing in the future in response to Pan Am flight 103?

A. The State Department is committed to a comprehensive program to apply the "lessons learned" from the Pan Am 103 bombing to preventing such incidents in the future. Among the steps that we will take are the following:

—Funding additional research into detection techniques for plastic explosives through the interagency counterterrorism research and development program. We will also continue our research efforts into other components of the counterterrorism R&D program;

—Reviewing our processes for assisting the families of victims of such incidents to ensure that the "lessons learned" from Pan Am 103 in terms of services to families and the treatment that we extend to victims of international terrorist incidents.

—Expanding significantly, starting in FY 1989, the training opportunities in civil aviation security that we provide through the Anti-terrorism Assistance program;

—Working with our allies and the International Civil Aviation Organization (ICAO) to develop strengthened civil aviation security to help prevent another incident such as the bombing of Pan Am 103;

—Working with other governments to implement the new security measures for U.S. carriers announced by Secretary Skinner on April 3; and

—Such other steps and findings as may emerge from the on-going investigation of Pan Am 103.

Q. In your estimation, are ICAO and individual foreign governments as concerned about the security problem as the United States?

A. The attitude of any nation concerning terrorism often reflects that nation's particular experiences with terrorism. In the aftermath of Pan Am 103, however, there is an increasing recognition by many nations that all countries and airlines are at risk from such acts.

We believe that many governments are as concerned about terrorism and civil aviation security as is the U.S. A concrete example of this was the recent ICAO Ministerial meeting. The thirty-three members of the ICAO Council, adopted by consensus a detailed work plan on aviation security at the February ministerial level Council meeting. This action sets the direction for work in aviation security that ultimately will engage most of ICAO's 160 members.

COMPARATIVE RISK FOR U.S. CARRIERS

Q. Are U.S. airlines operating overseas at a greater risk than the carriers of other countries?

A. No. While some U.S. carriers may be a more likely target for terrorists than the airlines of most other nations, U.S. carriers also impose security measures higher than those imposed by almost any other carrier. These security measures are designed by FAA and the airlines to offset the higher threat level perhaps experienced by some U.S. air carriers.

The U.S. also is committed to strengthening international civil aviation standards since we believe that the higher threat level experienced by U.S. carriers is also shared by some other carriers—such as Air India, Korean Air and El Al—from other nations. There is a need at this time to increase substantially the basic level of international civil aviation security mandated by the International Civil Aviation Organization.

HIGHER SECURITY STANDARDS FOR FOREIGN CARRIERS

Q. Given the volume of U.S. citizens traveling abroad, not only on U.S. carriers, but foreign carriers as well, shouldn't the United States take the lead in implementing security measures not only domestically, but also overseas?

A. The U.S. has taken the lead—within the Summit 7, bilaterally and through ICAO—in launching a comprehensive effort to increase civil aviation security. The U.S. firmly believes that international civil aviation security standards must be raised in the aftermath of the Pan Am 103 bombing. The appropriate forum for making these changes is the International Civil Aviation Organization (ICAO). A major step in this effort was the special ICAO Ministerial meeting held in February. Emerging from that meeting was a specific work plan to develop new security measures. Specific changes to international civil aviation security standards will be developed in time for consideration by the ICAO Council at its meeting scheduled for May of this year.

Q. Is Annex 17 of the ICAO's standards tough enough?

A. Annex 17 is a dynamic document. For example, the ICAO member states are currently considering changes to Annex 17 which mandate a "no take-off" policy of hijacked aircraft. This new policy emerged in the aftermath of the KU 422 hijacking in April, 1988 which demonstrated to many states the necessity for an international policy on this issue. In the same fashion, further strengthening of Annex 17 standards is necessary following the bombing of Pan Am 103.

Q. If not, what provisions would you like to see strengthened?

A. Annex 17 is continually subject to review and amendment. At the February ICAO Ministerial a workplan was adopted which called for possible changes in the following areas:

—Detection of sabotage devices, especially explosives.
—Comprehensive screening of checked baggage.
—Screening of passengers and hand baggage.
—Security problems created by the increasing carriage of radios, computers, and other electrical equipment.
—Achievement of full and reliable reconciliation of passengers and their baggage.
—Security problems posed by the handling of cargo, mail and courier services.
—Problems of controlling access at airports.
—Provision of advice to States on request on aviation security organization and techniques.
—Coordination by ICAO of an aviation security training program.
—Provision to member States, on request, of international security surveys under ICAO auspices.
—Examine the possibility of taking security considerations into account in the design of aircraft.

The United States strongly supports such changes which will help prevent a repetition of the tragic bombing of Pan Am.

Q. Do you think that you will be successful in strengthening these provisions, and when?

A. The United States is optimistic that fundamental changes to ICAO's basic security procedures will be forthcoming. Implementing such changes, particularly at airports in less developed countries, may take time, but we believe that there is basic agreement among many nations to strengthen international civil aviation standards following the bombing of Pan Am 103.

While modifications to Annex 17 take time, we are gratified by the recent speed with which ICAO has approved the "no take-off" policy. We expect that this policy will be adopted in mid-1989 by all ICAO members. This is only 1 year since the proposal was first suggested to ICAO in the aftermath of the hijacking of Kuwait Air flight 422.

OTHER STATE INITIATIVES

Q. It has been widely reported that the likely explosive used in the Pan Am 103 explosion was SEMTEX. If SEMTEX was used, where is this explosive made?

A. Investigators have not determined with absolute certainty which explosive was utilized in the bombing of Pan Am 103. There is a strong suspicion however that the plastic explosive, SEMTEX, was utilized. SEMTEX is manufactured in Czechoslovakia.

Q. It has been reported that Czechoslovakia is the only manufacturer of this product. Is that true?

A. Yes, Czechoslovakia is the only manufacturer of SEMTEX.

Q. What is the State Department's efforts to prevent future distribution of this product?

A. Czechoslovakia manufactures a range of commercial explosives under the trade name of SEMTEX. Some are high strength plastic explosives which are used in mining, quarrying and civil engineering. Others are granular explosives with a lower detonation velocity which are intended for use in metal forming and metal hardening processes. The Czechs claim that they have not exported SEMTEX for some years, and deny that they have ever knowingly sold SEMTEX to terrorist groups.

Detecting SEMTEX is indicative of the problems of detecting an entire range of plastic explosives which are made by nations throughout the world, including the U.S. and many of its allies. The U.S. believes that one possible answer is to negotiate an international protocol which requires the introduction of "taggants" into all plastic explosives. Taggants are easily detectable substances which would make it possible to detect plastic explosives using existing technology.

Q. Are there other explosive or incendiary type products that the State Department is actively trying to prevent either their production or distribution?

A. The U.S., through the Department of State, employs export controls on certain types of US military explosives. Similarly, the Department of Commerce regulates the export of U.S. commercially manufactured explosives. The U.S. does not exercise control over the production or distribution of foreign manufactured explosives.

The effort to negotiate an international agreement on "taggants" applies to all plastic explosives and would serve as a way to make all such explosives more easily detectable.

Q. If so, how well received by foreign governments or foreign manufacturers are your requests?

A. The US has discussed the need to mark plastic explosives with a taggant to aid in their detection for counterterrorist purposes with representatives of certain foreign governments and with representatives of the manufacturing industry in the US and abroad. These discussions have been positive and there appears to be an area of common agreement on the concept of marking these explosives for purposes of pre-blast detection. The US and other nations are continuing to pursue this effort.

Q. How successful has State been in requiring all explosives to be tagged?

A. The Department has not attempted to adopt any program or effort whose aim is to effect the tagging of all explosives. Such an endeavor would not be feasible for a variety of political, economic, and safety factors. Instead, we are focussing our efforts on introducing taggants into plastic explosives, such as SEMTEX.

Q. Is tagging required of domestically produced explosives?

A. Tagging is not required of any domestically produced explosives. There was a broad interagency effort in the late 1970's lead by the Bureau of Alcohol, Tobacco, and Firearms (BATF) to tag explosives, primarily for post blast identification. The effort was effectively stopped when, after a detailed study, Congress voted not to pass the BATF sponsored tagging program.

COURT CASES

Q. I know the State Department is very interested in two individuals currently held by foreign governments, and I would just like an update on their status.

First, when do you expect a conclusion of the current trial in Germany of Mohammad Hamadei for the TWA 847 hijacking and murder of U.S. Navy diver, Robert Stethem?

A. The trial in Frankfurt of Mohamed Hamadei for possession of explosives, hijacking, and the murder of U.S. Navy diver Robert Stethem is drawing to a close. Final arguments should occur in April with a verdict due ten days after the close of the trial. The prosecution case against him is strong and we expect him to be convicted of all charges and hope that he receives the maximum sentence under German law, life imprisonment.

Q. What is the status of our request to the Greek government for the extradition of Mohamed Rashid, who is wanted for placing a bomb aboard a Tokyo-Honolulu flight in 1982. Is the State Department still pursuing his extradition?

A. Mohamed Rashid was sentenced on March 28, 1989 to another eight months in prison in Greece owing to his conviction on a charge of having weapons in his cell. It is unclear whether his extradition case, which is currently before the Greek Supreme Court, will have to be delayed until he completes this new sentence. The decision of the Supreme Court remains subject to review by the Minister of Justice. The U.S. government continues to attach high priority to Rashid's extradition and believes that his extradition for the bombing of a civilian airliner will be an indication of Greece's commitment in the fight against international terrorism.

STATE DEPARTMENT FUNDING

Q. What is the fiscal year 1990 request for the National Counter-Terrorism program?

A. The amount requested for the National Counterterrorism Research and Development (CT R&D) program in fiscal year 1990 is $6 million. In addition the Department of State is seeking $10.017 million to support its Anti-terrorism Assistance program in fiscal year 1990.

Q. How much of this is for operations and how much for research and development?

A. $6 million is sought to finance counterterrorism research and development projects. None of this money is for operations. The $10.017 million sought for the Anti-terrorism Assistance Program will finance training and related equipment for nations which participate in this program. Again, none of the funds sought are for "operations".

Q. How does the State Department determine how and where to spend its money in this area?

A. The National Counterterrorism Research and Development program is the result of an interagency effort involving twenty-five Federal agencies. The effort is led by the Department of State's Ambassador at Large for Counterterrorism. The interagency group of technical personnel (scientists, terrorism specialists, technical advisers) identifies applicable technologies and formulates actual project proposals for counterterrorism research and development. This group's recommendations are reviewed and validated by an interagency committee of policy level personnel who make program recommendations to the Ambassador at Large for Counterterrorism.

Priorities for the ATA program are determined by the Office of the Ambassador-at-Large for Counterterrorism in cooperation with the Bureau of Diplomatic Security.

Q. Is the State Department active in the research area to detect plastic and sheet explosives, tagging of explosives, and creating new equipment to detect and respond to terrorists?

A.Through the National Counterterrorism Research and Development Program, the Department is active in all of these areas. The National CT R&D Program currently includes four projects which seek to employ differing technologies to develop detectors which will identify plastic and sheet explosives. The National CT R&D Program also includes a number of projects which seek to develop new equipment to enhance the operational capabilities of US counterterrorist forces and to upgrade our capability to respond to terrorist equipment and tactics. The precise projects and equipment which we are seeking to develop are sensitive; however, the Department would welcome the opportunity to brief appropriately cleared members of the Committee if requested. Finally, the Department has initiated an effort, in conjunction with pertinent US agencies and selected foreign nations, to identify an appropriate chemical additive for use in tagging plastic explosives. One project will be included for this purpose in the fiscal year 1990 National CT R&D program.

Q. Is the research in these areas shared with other government agencies? If so, how? If not, why not?

A. The National Counterterrorism Research and Development Program is an interagency program. The results of research on the projects funded under the program are available to all participating agencies.

FIGHTING TERRORISTS

Q. Are we gaining or losing ground to the terrorists and their intimidation tactics?

A. Counterterrorism strategy is a long range effort where success is measured by small accomplishments. There are no dramatic short term solutions. It is important

to continue to apply diplomatic, military, and economic pressures against those states which sponsor terrorists. At the same time, we must enhance the abilities of the U.S. and its allies to counterterrorist acts and to apprehend, prosecute, and jail perpetrators of terrorist crimes. There are times, like the bombing of Pan Am 103, when it appears that terrorists have the upper hand. There are many more times, however, when the successful application of a comprehensive terrorist strategy has borne significant results as measured by potential terrorist acts thwarted, the decrease in hijackings in recent years, and an increase in terrorists captured, terrorists jailed, and sentences in the courts. Overall, we are gaining ground in the battle against terrorism. There is still however, a long way to go.

NONDEPARTMENTAL WITNESSES

PANEL I—REPRESENTATIVES OF THE VICTIMS OF PAN AM FLIGHT 103

STATEMENT OF BERT AMMERMAN, RIVERDALE, NJ

Senator LAUTENBERG. We would ask now for the next panel to come to the table. That is Mr. Ammerman, Mr. O'Connor and Mrs. Monetti and Mr. Hudson. Did you want to make any opening remarks?

Mr. HUDSON. I would like to ask if Mr. Ammerman could make the opening remarks, an abbreviated version of our statement. We have extra copies here in case it is needed.

Senator LAUTENBERG. We will take them for the record, and each of us of course wants to have them as well. Mr. Ammerman, we met in Newark.

Mr. AMMERMAN. Mr. Chairman, we welcome the opportunity to testify in front of your committee. We have met with you, we met with Senator Bradley and many other Senators and representatives regarding the bombing of Pan Am Flight 103.

I would first like to introduce the people at the table. We have made a last minute change. With the pleasure of the chairman, on the left-hand side is Mrs. Dorothy Coker, who lost twin sons. Next to me is Mr. Edward O'Connor, who lost his brother-in-law. I lost my brother, who left two daughters, 5 and 3, and a young widow, and Mr. Hudson lost his 16-year-old daughter.

Before I make my opening statements, Mr. Chairman, I would like to respectfully make a few statements regarding the testimony of the Transportation Department Chairman, Mr. Skinner. For the record, Mr. Skinner met with us just before this hearing. It is the first time that a top-level administrative official has met with representatives of the families. We applaud Mr. Skinner for taking the time.

I agree with Secretary Skinner's comment that there is no country that has the monopoly on terrorism. It has arrived in the United States. We appreciate his statements that he is working at it every day.

However, if you look at the U.S. News & World magazine article of October 1988 regarding at that time candidate for President Bush, he had written the counterterrorism policy and it stated that 22 of the 41 points in that policy had not yet been implemented. Many of them, strikingly, are some of the recommendations that we are making. He is now the President, the architect of that policy, and many of those points still are not implemented.

Dealing with selective notification, Mr. Kelly from the Moscow Embassy was the individual who posted that warning. We have found out that Mr. Kelly is no longer in the Moscow Embassy. We do not know where Mr. Kelly is.

Regarding Mr. Salazar's comments, he made a statement that the FAA notified the airline and that the airline was responsible to notify the captain and flight attendants, according to the House Subcommittee on Government Operations.

In a letter sent to Alan McArter, it stated that the Pan Am captain and flight attendants were not notified and that the captain is the security director for the flight and is trained for that and the flight attendants are trained to detect saboteurs and to check the baggage on the flight and they were not notified.

In all due respect to Mr. Mahoney, I was at Lockerbie for 10 days from December 23, along with Paul, to January 2. What the State Department portrays and what I experienced, there has to be two Lockerbies. There is another Lockerbie some place else, where our State Department did an outstanding job. They were not at the Lockerbie I was at.

Pan Am mobilized, the Scottish Government mobilized, with volunteers and social workers. The State Department did mobilize in Lockerbie. There were four people there to stamp death certificates, and 5 days later, one individual, Mr. Larry Kerr, was sent over and was responsible for baggage.

We agree with these gentlemen on counterterrorism, who stated that the State Department had their hands tied to a certain degree. All we expected—and you have mentioned this—it would have been nice if they could have been mobilized; maybe got four from Paris, maybe four from Lisbon. I would have done that, maybe, with some common sense, to be there to answer our questions.

Maybe they could not give us answers, but we had to get our answers from the Scottish police. We had to get our answers from the Pan Am employees, and one of our first press conferences, the person from the consulate did get to speak at one of the first relative briefings and his statement was that he knew nothing, and then he asked for questions.

When I was in London, the gentleman in London—we first flew over on December 23—when we asked five or six questions, each time he prefaced it, "You know I have been up till 2 in the morning and worked real hard," and I wanted to say to him, I am not here on a vacation, fellow. When we get to Lockerbie there are four people there to stamp the death certificates and they are more than happy to answer, Mr. Chairman. But I just wanted to make those statements in regard to previous testimony that has been made.

I am speaking on behalf of the American branch of the victims of Pan Am Flight 103. I have been designated as the chairman of the political action committee. Why would a citizen with a full-time job that has become part-time, and this issue has become full-time for us, be so involved and be here in front of esteemed Senators like yourselves?

Well, this is the reason. Our organization was formed not only because our loved ones were brutally ripped from us on December 21, 1988, in the bombing of Pan Am Flight 103, but also out of frustration, hurt, disappointment, and anger with the executive branch of the U.S. Government. The State Department in particular has been an absolute abomination and has violated all the beliefs we had as to what our Government's responsibility was to its citizens.

As soon as the Pan Am Flight 103 disaster occurred, the Scottish Government, along with Pan Am, immediately mobilized, but our own Government's display of action, or more appropriately inaction, can only be described as a national disgrace.

As Americans, most of us have been raised to believe that we are living in the most powerful, supportive and democratic nation on Earth. We have also been led to believe that in the event of a national tragedy or emergency, our Government would be there to see us through to the best of their ability.

Our experience has unfortunately shown us this is most definitely not the case. To date, most of us are still waiting for any contact at all from the executive branch regarding our loss. Mr. Skinner did contact us today. We feel that in a time of tragedy, especially when it takes place overseas, our Government should be there to act in the best interests of its citizens.

Instead, our best interests were left in the hands of Pan Am and the Scottish police, and listening to the State Department speaking about this being the first incident to react to when Senator D'Amato was asking questions, I do not know how the Scottish police did it. They must have been very fortunate and lucky, because they showed compassion and assistance. They did the job, and they had human relations.

The bombing of Pan Am Flight 103 showed us that our Government does not always act in the best interest of its citizens, so as citizens we must take matters into our own hands and attempt to impress upon you, as esteemed members of the Senate Subcommittee on Transportation, the importance of change in the current policies and procedures which led up to the bombing of Pan Am Flight 103.

We feel that there were four areas in particular which led up to the bombing which tragically altered our lives forever. I am just going to list them quickly and Mr. Hudson then will read them, and then I would hope that you would just bear with us to hear a couple of our particular experiences and then answer any questions that you have.

Selective notification: In October 1988 we had been told that there were no tickets left for Pan Am Flight 103. We hear testimony that all of a sudden there are different reasons why there were seats available. Half-price tickets were sold to college students 4 days before Christmas. I have never seen half-price tickets offered in holiday periods, high-peak times.

It was known in 1968 or earlier that plastic bombs in checked baggage could not be detected and in magazine articles in our research it stated that the TNA equipment that has been discussed here today could be installed as early as 1987. That was hearings done 2 years ago and it has still not been installed or even ordered, though Secretary Skinner did say today that they have ordered six and they are accelerating the process.

The intelligence agencies which we talked about state how they work together and they help each other out, but in the Cardiss Collins Committee they make the following statement to Alan McArter: that our preliminary investigation suggests that there is still little coordination and haphazard communication among those who share responsibility for preventing air tragedies.

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We have specific suggestions to try to streamline it. We are neophytes at this, but even listening to this testimony today I can see it being a very difficult job, being up in your place trying to get answers, because each time you ask for one, it is another Department's responsibility.

Finally, which may be the most important one that the American public is not aware of, due to the Warsaw Convention and the Montreal Convention, there is a cap on liability for each passenger on an international flight that is killed: $75,000.

When I fly from here sometime today on the shuttle back to Newark, if I get killed because of a domestic flight, my wife and children will benefit $1 million in financial compensation so that they can continue their lives. The only way that my sister-in-law and two daughters will have an opportunity to get more than $75,000 is if they can prove willful wrongdoing. That is totally unacceptable and unfair in our society.

As the Subcommittee on Transportation Appropriations you have the responsibility, we believe, and the power to institute alterations and additions to coincide with our major goal of advocating improvements in airport and airline security.

We are a proactive organization, not an adversarial organization. We have lost our loved ones. They will never be returned to us. We have organized to help fellow Americans and citizens so they do not have to sit at this table and talk to gentlemen like you in the future.

At this time, Mr. Chairman, I would like Mr. Hudson to read a statement.

STATEMENT OF PAUL HUDSON

Mr. HUDSON. Thank you, Senators. We are some of the friends and relatives of the American citizens who lost their lives last December 21 when Pan Am Flight 103 from Frankfurt to London to New York was destroyed by a brutal terrorist bombing. Nothing that we can say or do here can bring our loved ones back, but we are here because what you say and do to improve airport and airline security can prevent this tragic story from happening over and over again.

We believe that the 270 lives lost on Flight 103 could have been saved; that this bombing could have been prevented. We believe that those who conclude that little or nothing can be done about terrorist attacks on airlines are grievously wrong, motivated in some instances by commercial considerations and in others by an effort to conceal or tolerate inadequate efforts and actual dereliction of duty.

We speak in sorrow, but we are motivated not by bitterness but by concern for all those whose lives can still be saved. We are not experts on the cause and cure of terrorism or criminal behavior, but a needless tragedy that seared our lives has required us to learn more about airline security than we ever wanted to know. We are shocked by what we have found. We are determined to obtain action that can substantially reduce the prospects for countless more disasters like Pan Am 103.

Specifically, four problem areas require the earliest possible action. These areas are notification, detection, coordination, and compensation.

First, more adequate notification of passengers, baggage handlers, and concerned governmental and airline offices of serious, high level threats to airline security is imperative. The lack thereof is inexcusable. Only a small number of threats are deemed sufficiently serious each year by the FAA to be the subject of a high-level security bulletin.

Any airline that is the subject of such threat should be obligated to notify each passenger prior to boarding of the issuance of that FAA bulletin permitting that passenger to choose whether or not to take that flight. Surely every American citizen deserves that freedom of choice based on notice and information.

The policy of so-called selective notification is contemptuous of human life, passenger interest and American legal traditions. Had the passengers of Flight 103 been informed by the airline about the FAA bulletin, we believe many of them would not have boarded that plane and would be alive today.

In addition, every flight captain should be notified of all threats to his flight and possess full authority to delay it or cancel it if he feels that the security of his passengers cannot be guaranteed. Safety, not sales, can be the only criterion.

Second, more adequate detection equipment, personnel and procedures must be installed for every airport and airline. This will require more money, both from governments and airlines, but the amount now spent per passenger is absurdly low and the current level of effective security measures is intolerable.

For example, Senator, it apparently costs $10 per ticket for all the security presently provided on transatlantic flights, and based upon the numbers given earlier by Secretary Skinner, the $150 million figure if you break it down works out to be 25 cents per ticket, and that was the most expensive number we have yet heard.

For example, it has been known since at least 1986 that plastic bombs in checked baggage could not be detected by existing systems and posed the single most serious terrorist threat to international travelers. New equipment to detect such bombs has been available at least since 1987, but such equipment has not been installed or even ordered in December 1988, and as we heard here today it has still not been ordered except on a test or experimental basis.

Third, more adequate coordination, communication and involvement among all agencies engaged in gathering intelligence and combating airline terrorism, including the FAA, the State Department, the CIA, the NSA, the FBI, and airline and airport authorities is essential to the prevention of terrorist attacks on airlines.

Today the responsibility is really taken by no one. There are a variety of ad hoc patchwork plans and procedures which may or may not be followed and I would suggest that an investigation of the 103 communication level would indicate a system more akin to what some might call a Chinese fire drill than any organized system.

Fourth, more adequate compensation by way of damages to families of victims of international airline disasters. This is important

not only to families, and of course this would not affect our loved ones or our families but it would affect future ones. This we believe would also prod the airlines into upgrading and maintaining their security systems and policies.

Now, if each of these four areas is addressed, we still face a current problem, namely that we have no adequate security to prevent another bombing similar to 103 in place at the present time. Therefore, we urge the FAA and this committee to require, to the extent that it may with legislative authority, to enforce the following emergency measures until permanent measures discussed before can be put in place.

First, an 800 number should be established with information on airline threats, enabling passengers to contact the specific airline mentioned for details and decide for themselves whether they want to take a particular flight.

Our State Department presently has a system. You can call an 800 number and you can find out what the dangers are for visiting something like 18 different countries. They also provide the same kind of information for airports, and in the past 2 years I believe the Manila, the Athens and the Rome airports have been on that list and on that tape.

Second, all carry-on—and this is most important—all carry-on and checked baggage must be hand searched until proper bomb detection equipment is in place. This is the El Al procedure. The rule currently in effect by the FAA states that all checked luggage must be x-rayed or hand checked. The operative word, I would submit, is "or." The x rays do not work to detect the bombs and it has been admitted that bags are not searched unless there is other cause to suspect.

We also believe that it is necessary to seal all baggage when security checks have been completed and to match the baggage with passengers.

Third, the El Al Airline procedures of utilizing security personnel to question all passengers should be adopted by all airlines, at least on a stop-gap basis. This questioning, which has I believe 20 or 30 questions on the list, is what the El Al people consider their number one defense against terrorism.

Finally, there is a special matter which we believe needs emergency attention and that is the banning of electronic devices, such as the one that was found to carry the bomb that destroyed Flight 103. The British authorities have now announced that the bomb was contained in a small electronic device, some would call it a boom box, that was in the checked luggage. They did not identify the brand and the model.

Similar devices have been found in October of last year in the possession of terrorist groups in the Frankfurt area, with partially assembled bombs in them, and we believe it is completely irresponsible for our Government, as well as the British Government, to have made this information public before the world press and then failed to follow it up with any kind of action.

[The statement of the Representatives of the Victims of Pan Am Flight 103 follows:]

STATEMENT OF REPRESENTATIVES OF THE VICTIMS OF PAN AM FLIGHT 103

We are some of the friends and relatives of the American citizens who lost their lives last December 21 when Pan American Flight 103 from Frankfurt and London to New York was destroyed by a brutal terrorist bombing. Nothing that we say or do here can bring our loved ones back. But we are here because what you say and do to improve airport and airline security can prevent this tragic story from happening over and over again.

We believe that the 270 lives lost on Flight 103 could have been saved—that this bombing could have been prevented. We believe that those who conclude that little or nothing can be done about terrorist attacks on airlines are grievously wrong, motivated in some instances by commercial considerations and in others by an effort to conceal or tolerate inadequate efforts and dereliction of duty.

We speak in sorrow, but we are motivated not by bitterness but by concern for all those whose lives can still be saved. We are not experts on the cause and cure of terrorism or criminal behavior. But a needless tragedy that seared our lives has required us to learn more about airline security than we ever wanted to know. We are shocked by what we have found. We are determined to obtain action that can substantially reduce the prospects for countless more disasters like Pan Am 103.

Specifically, four problem areas require the earliest possible action. These areas are notification, detection, coordination and compensation.

1. *More adequate notification* of passengers, baggage handlers and concerned governmental and airline offices of serious, high level threats to airline security is an imperative. The lack thereof is inexcusable. Only a small number of threats are deemed sufficiently serious each year by the FAA to be the subject of a high level security bulletin. Any airline that is the subject of such threat should be obligated to notify each passenger prior to boarding of the issuance of that FAA bulletin, permitting that passenger to choose whether or not to take that flight. Surely every American citizen deserves that freedom of choice based on notice and information. The policy of so-called "selective notification" is contemptuous of human life, passenger interest and American legal traditions. Had the passengers of Pan Am 103 been informed by the airline about the FAA bulletin, we believe many of them would not have boarded that plane and would be alive today.

In addition, every flight captain should be notified of all threats to his flight and possess full authority to delay it or cancel it if he feels that the security of his passengers cannot be guaranteed. Safety, not sales, can be the only criterion.

2. *More adequate detection* equipment, personnel and procedures must be installed for every airport and every airline. This will require more money, from both governments and airlines; but the amount now spent per passenger is absurdly low and the current level (or, more accurately, current lack) of effective security measures is intolerable. For example, it has been known at least since 1986 that plastic bombs in checked baggage could not be detected by existing systems and posed the single most serious terrorist threat to international travelers. New equipment to detect such bombs has been available at least since 1987. But such equipment had not been installed or even ordered on December 21, 1988; and it still has not been installed or ordered today.

Airport security personnel are too often ill-paid, ill-trained, ill-qualified and uninformed. Their methods and procedures are too often inconsistent from one airline to the next and ill-considered at best. FAA security personnel are also insufficient in number and training. Surely there are no higher priorities in the appropriations process than the saving of our citizens' lives.

3. *More adequate coordination,* communication and involvement among all agencies engaged in gathering intelligence and combating airline terrorism, including the Federal Aviation Administration, the State Department, the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation and airline and airport authorities, is essential to the prevention of terrorist attacks on airlines. Today, however, responsibility is taken by no one and decisions are made by virtually anyone. The FAA largely leaves all questions of implementation to mid-level and low-level airline employees who receive no clear guidelines from the FAA and no carefully and consistently compiled and evaluated information.

4. *More adequate compensation* by way of damages to the families of victims of international airline disasters is the only way to prod the airlines into upgrading and maintaining their security systems, procedures and policies. The obviously outdated Warsaw Convention of 1929 now places an unrealistically low cap of $75,000 on the value of each passenger's life. As the Government of Italy has already advocated, this cap must be eliminated or drastically removed both to protect the fami-

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lies of international flight victims and to give the airlines sufficient incentive to take all necessary security measures.

Each of these four action areas must be addressed now. But each of them takes time, and passenger safety must be protected in the interim. We therefore urge the FAA to enforce the following emergency stop-gap measures until the permanent measures discussed above are in place:

(a) An 800 number should be established with information on airline threats enabling passengers to contact the specific airline mentioned for details and to decide for themselves whether they want to take a particular flight.

(b) All carry-on and checked baggage must be hand searched (until proper bomb detection equipment is in place); sealed as soon as the appropriate security checks have been completed; and matched with passengers. Any unattended or abandoned baggage must then be turned over to security personnel.

(c) The El-Al airline procedures of utilizing security personnel to question all passengers should be adopted by all airlines on at least a stop-gap basis.

(d) Late arriving passengers should either be denied entrance or subjected, regardless of possible flight delay, to the same screening processes as all other passengers.

No doubt these recommended interim procedures will involve cost, inconvenience and complaints. They will also save lives.

Finally, we urge this Committee to obtain a better sense of the confusion and cover-up that now characterize international airline security by investigating a particular case--the case of Pan Am Flight 103. We have attached as an appendix to this statement a series of questions for which you will be able to obtain answers better than we can.

Those answers will not bring back our loved ones, massacred last December 21 at 31,000 feet. Neither will the remedial measures we have advocated here. But at least those measures and others like them can help to increase the safety of our airways. At least they can help to prevent another preventable calamity from inflicting pain on more people, no doubt including people like you and your families. If action is taken now that saves the lives of countless others, then the terrible tragedy of last December will have at least produced some small gain to offset the terrible loss we have suffered.

We are grateful for your consideration of our views and we are hopeful that you will take early action accordingly.

APPENDIX

UNANSWERED QUESTIONS REGARDING PAN AM FLIGHT 103

1. Was the flight half empty because some people had been warned? During the last 5 years, what has been the normal flight load on Pan Am 103 during the days immediately before Christmas?

2. Of those passengers who canceled their reservations on Pan Am Flight 103 (list presumably obtainable from Pan Am) what was their reason for canceling?

3. When Pan Am spokesman Jeff Kreindler told *The New York Times* (December 22, 1988) that "Pan Am had not received any threats," was he misinformed, uninformed or instructed to cover up?

4. In weighing the seriousness of the December 5 warning about a Pan Am flight out of Frankfurt, did the FAA and Pan Am pay any attention to the discovery in West Germany only a few weeks earlier of extremists equipped with the same kind of explosives?

5. When the FAA conveyed its warning to London:

(a) Did the British Ministry of Transport inform the British Airport Authority, which is responsible for security at Heathrow?

(b) Did Pan Am's Head of Operations in London take "high alert" measures, as claimed; and, if so, what were they and to what departments and individuals was the threat communicated?

(c) What steps did Pan Am Corporate Security take?

6. Why did Mr. William Kelly of the U.S. Embassy staff in Moscow believe the warning sufficiently serious to be posted for Embassy personnel? Is this matter connected to his subsequent removal from the Embassy?

STATEMENT OF MRS. COKER

Mr. AMMERMAN. Mr. Chairman, before we take any questions, I would like to ask Mrs. Coker and Mr. O'Connor to give a specific example of the type of support and assistance they have gotten

from the State Department and the experience of Mrs. Coker at Lockerbie and Mr. O'Connor back here on the Stateside.

Senator LAUTENBERG. We would like to hear from them. I met Mrs. Coker in my office, also. Please tell us whatever you would like that you think is of importance to us.

Mrs. COKER. I also had wanted to address another issue as well, relative to the Warsaw Convention.

Senator LAUTENBERG. Just pull that mike a little closer.

Mrs. COKER. I will address the State Department issues first, then I would like to discuss very briefly the Warsaw thing as well. In the earlier testimony it was also brought up that the Scottish police came here last week and that is true, but they did not come here at the request of the State Department. They came here through the cooperation of our group and the Scottish officials.

The State Department's position in this was to help advise some of the families by sending out cables, by following up with phone calls and so forth. They also decided that they would also secure the locations for these meetings with the families, which was very gracious of them except for one thing, that most of the cablegrams did not arrive until a day or two before the meeting and in some cases arrived the day after, and in this notification the date was wrong on the meeting in Boston as well.

A typographical error, I am sure, but the timeliness of these cablegrams to the families relative to these meetings, none of them would have been there except for our own phone chain that we had established. Those that were able to make it were through our efforts and not the State Department's.

Second, they would lead us to believe that there was a 24-hour watch with lots of overtime, 800 hours overtime, which is very difficult for me to see. Also, given the fact that there were only four people that we personally dealt with in Lockerbie, the fifth gentleman dealt with the luggage and so forth, personal effects, he really did not have that much dealing with us personally.

The staff that was there, I have to say was very supportive. They put in long hours, I know they did, but in fact they were undermanned, understaffed, overworked, and there was not the backup from the State Department that I would have expected as a citizen of this country.

It was always my understanding that as a citizen, if something happened to me or my family overseas the first place you addressed was the State Department and that did not happen here. The State Department said to me, "We are undermanned, understaffed. We do not have the funds, we do not have the resources. Pan Am does, and they have offered to do this and we are letting them do it," and Pan Am took over all of the responsibilities that our State Department should have done.

In fact, our State Department abdicated their authority to Pan Am, who was acting in our best interest, which is debatable. Our best interests are better defined by us and not by Pan Am and there are certain instances that I can indicate.

Also, Pan Am is acting in their best interest and not ours. They are acting in a way to minimize damages. They are acting in a way to minimize the reactions of the public. They do not represent us, and my children are not their children. They are our children and

we can make our decisions for ourselves and we do not need a corporation doing that.

Some of the areas that Pan Am overtook, for instance, was that the undertaker was hired by Pan Am, so that if you wanted to view your body or you wanted to discuss anything with the undertaker it was Pan Am's hiree that told you and actually the decisions were from upper corporation, not from the undertaker. How can he represent you when he is being paid by somebody else?

If in fact your body was viewable, as some possibly were, carte blanche they said to you no, your body is not viewable, and if you wanted to view that body you had to go to the next town. You had to have a physician come in because they could not be responsible if you had a heart attack, and this was told to us.

So that you could not view your body. So that in fact, you did not know if your body was viewable or not, and when we went there we went there with the idea to help with the identification process and bring our loved ones home. Whether in fact you could see them or not was questionable.

Another instance in which they acted in our best interest was in abdicating to Pan Am the notification that your loved ones were found, that they were identified. In order for us to have the State Department tell us that our victims were identified we had to personally request it.

We had to go to Pan Am, have them enter it into their computer that the Cokers needed to be notified personally by the State Department and not by Pan Am. Because we felt very strongly that we wanted notification to come from our State Department and we forced it, perhaps we did force it and in reality the notification came from the Scottish police and not ultimately—the State Department came and told us because we requested it, but we knew that they were coming.

The State Department did nothing for us as citizens. Nothing relative to trying to ease the pain; nothing relative to trying to resolve some of the issues; nothing relative to anything, other than signing, ultimately, the documents that we needed to take our bodies home.

Since our return to the States there have been isolated incidents with our dealings with the State Department. One of the family members had been communicating with a woman in the State Department—I shall not give names at this point—and expressed some of her frustrations and the woman said to her, I have been working overtime all these hours and she said to her, accept the fact that your husband's dead, we cannot bring him back, it is time for you to get on with the present. And that is a direct quote.

I think that is so—lacks such compassion, it is incredible. Every dealing we have had with the State Department, and I have to say this, that has been minimal, has been with a lack of compassion and concern. We did not even have the State Department official ever send us a condolence letter.

They never, at any time, attended a memorial service to my knowledge. There was never anything relative to our State Department, or I have to say the executive branch of our Government, relative to what happened, even recognizing the fact that it happened, and I resent that as a citizen.

The other things I want to discuss are the Warsaw Convention. The Warsaw Convention was enacted in the early 1900's as a way to help the fledgling airline industry. In fact, it has since been sorely outdated.

It has a $75,000 cap for families, which is totally inadequate in this day and age to support a family, a young widow with small children or a young widower with small children who has to work and needs to hire somebody. You cannot get through 2 years on $75,000 first of all.

The only exception to this is if you prove willful misconduct or malfeasance, whatever. This in fact has to be done in a court of law in order to do that and yet our Government from my understanding, and somebody could correct me if I am wrong, was up in Canada a month ago trying to strip that particular clause of the Warsaw Convention to say that no, you cannot have willful whatever, malfeasance, and that families would not be able to sue beyond the $75,000.

Beside financial difficulties this puts on a family flying on international flights, the second thing this does is say to the airline something very, very outrageous. That is that you can do whatever you want, you do not have to have security, you can hire minimum wage people to watch the baggage and push it through.

You do not have to maintain your airlines and your airplanes. You do not have to do any of these things because if that plane goes down you are only limited to $75,000 per person. So the airlines say, which is going to cost me more: the $75,000 per person, or is it going to cost me more to install some of these detection devices? I ask you, is this Warsaw Convention something that any of you want to fly under? I would not want to. Those are my comments.

In final, I would like to say that we recommend this Warsaw Convention be scrapped; that the flying public on international flights be given the same rights as those on domestic flights so that the airlines can be made accountable for airlines that just do not cut the mustard.

Personally, as a side note for myself, I think that there ought to be penalties imposed on the airline when this willful misconduct, that is not covered by the insurance carriers, that is a personal thing that I am just injecting.

Mr. AMMERMAN. Mr. Chairman, Mr. O'Connor has a quick example.

STATEMENT OF MR. O'CONNOR

Mr. O'CONNOR. My point of view is from a personal one and one that happened in the United States. On the night of the bombing I went directly to Kennedy Airport and I was told by the people at Pan Am there that it was not a good idea—we wanted to send somebody to Lockerbie from our family—that it was not a good idea for us to go to Lockerbie.

That if we insisted they would take us to Lockerbie but that they could not guarantee that there would be a place for us to stay there, being that it was in the dead of winter and all of the chaos that was going on there, they highly recommended that we stay at home.

They further explained that Pan Am was going to appoint a personal representative to each family member who was on that flight. The following day we got a call from a woman who worked for Pan Am in their New York corporate office. She also happened to be a resident of my home town, Rockville Centre. That was the first call that we received from that woman. It was also the last call that we received.

All other communications with Pan Am were directly with her, but it was all on our initiation, calling them. They did not return our phone call. After several days—and if you can just try and think back of the sheer terror and the panic and the uncertainty of what was going on and trying to identify bodies, and we at that point were not sure if we were going to be able to identify any of our bodies and we were not sure of the method of how to go about that and we were not getting much help from Pan Am.

We decided we should call our State Department after several days. We realized we were not going to get the help from Pan Am. It took us about five calls to locate this 800 number, which by the way was never posted on any television news or any of the many news stations that were covering this day and night. The State Department never took the foresight to post that number with any station, at least in the New York area, that I am aware of.

Furthermore, when we spoke to the State Department we basically spoke to some low-level person. We explained to them our problem. No. 1, about what material would we need to identify our John—dental records, fingerprints, pictures--and they basically said Pan Am would be handling it and they would check with Pan Am and they would get back to us.

Needless to say, we never really had those problems resolved. My wife wound up calling the Lockerbie police and I have, I can show you just through our phone bills, calls to Lockerbie day and night. The Lockerbie police were there, whether we called them at 2 o'clock in the morning New York time or 7 o'clock in the morning New York time, there was somebody there picking up the phone, and every call that we made to the Lockerbie police was returned to us if there was a followup question, and I can tell you we never had a call returned through Pan Am or through the State Department.

Now, our State Department felt that Pan Am was capable of handling this for us and I find it very offensive that the State Department would take away my rights—to have a corporation look after my interest. Pan Am had an interest and that was to control the damage that this bombing had caused their name and their reputation, and I feel that is one of the reasons we were hard-pressed to get any good information from them.

Having mid-level and low-level people handle families I do not think is the right way to go. I think there should have been a major movement by our State Department, almost as if we were making a military landing, over in Lockerbie to have as many people as we could possibly get over there and set up temporary barracks for anybody who would want to go there.

I think there should have been a State Department person appointed to each family member who had someone on that plane, and that person should have been in direct contact on a daily basis,

24 hours a day, to tell us what the updates were. The Scottish police held news conferences at 3 o'clock every day their time to update what was going on with the investigation, yet our State Department never held one single news conference that I am aware of to also pinpoint that.

Furthermore, on just some of these points that I would also like to point out, the gentleman here, and I do not know what your name is, sir, I missed it at the beginning, and Mr. Mahoney had testified that they had said that they were unable to get a manifest of the people who were on that flight and that was one of the reasons why they thought it would be up to Pan Am.

Now, these are the same gentlemen who a few minutes earlier had said that if they thought there was a specific threat that they could not counter to a plane, they would tell the airline not to take that flight up.

Now 5 minutes later you are telling me that you cannot get something as simple as a list of the names and addresses of the people who were on the plane, on this terrible, terrible accident? I just ask you, do you take us to be idiots? Do you think that we are fools? It just is incomprehensible. These are types of things we ran up against the entire time.

I would just like to maybe close and give you an idea about, Mr. Mahoney said there was somebody from the State Department and/or Pan Am at the airport to greet all of the families. And I would just tell you what my own particular case was.

When we were told to go to Kennedy Airport, we were told to go to the cargo bay and that we could pick up our shipment, not my brother-in-law, not a person, that we could pick up our shipment at the cargo bay.

Our personal representative from Pan Am was not there. There was no representative from Pan Am's corporate office there. And there was no one from our State Department; there was no one at all from our Government.

We cleared through the gates with the hearse with us. And when we went up to the loading dock there were a few guys there of which no one really spoke the English language. And after about a half an hour of problems getting the paperwork solved, we were finally able to take my brother John home with us.

And if that is the type of treatment that the State Department feels is professional by a company like Pan Am, then, I just feel that maybe we should get other people working in the State Department than the people that we have, or we should be looking into, we should be changing some of the procedures.

Mr. AMMERMAN. Thank you, Mr. Chairman.

Senator D'AMATO. Mr. Chairman, if I might. I have an intelligence committee vote on a nominee for deputy director, Mr. Kerr, which is taking place at this time. So I am going to ask if I might be excused to make that vote, and then I will return. So I just wanted to let the families know. And I will be back.

Senator LAUTENBERG. OK. We want your participation and we will be talking further awhile here.

First of all, let me say to each one of you that I thank you for your willingness to relive your experiences again on behalf of cor-

recting some of the problems that we obviously have in our structure.

The things that you had to deal with, as you relate them, add more to the injury that you felt than you initially had. Certainly, none of you needed to have additional problems thrown up in your way to recover remains.

Mr. O'CONNOR. Shipment is what we were told we could pick up.

Senator LAUTENBERG. Didn't you say cargo?

Mr. O'CONNOR. No; we were told to go to the cargo bay and we could pick up our shipment at the cargo bay.

Senator LAUTENBERG. That is outrageous. I mean the humiliation of the memories of those people by describing them in the terms that you did. The indifference, I mean the Government of the United States unable to muster a network of support.

When we have had a military tragedy of much smaller proportion than this in terms of number of lives, we have a full regalia of senior officials from the Government: We have senior officials from the State Department, we have the Defense Department, everybody is out there to try and demonstrate how strong and how supportive the United States is of our service people, of our citizens.

We had manhunts for known terrorists. In response to the *Achille Lauro,* if you remember, we sent up aircraft to bring those terrorists to a free democratic country. Unfortunately, we never had the satisfaction of seeing them pay for their crimes.

I am told by airline executives that, in order to pull off the Pan Am attack, that had to be fairly large numbers of people involved in the 10's, perhaps. And perhaps a number as large as 50 people had to participate in something like that to make this thing happen.

So when you think about what we might have done to try and ease the pain, you wonder where we were. We find ways to deal with other problems of far less proportion than the loss of a young person. In most cases, these were very young people.

Mrs. Coker, I know that you had twin stepsons, I believe. These were people that we loved and people that we cared about, and lives that were molded around particular circumstances. To suddenly have them described as shipments causes you to wonder about what we are. Are we a nation of robots? Are we a nation of systems? Are we a nation of procedures? Or are we a nation of people?

We are going to try to do whatever we can to get at the bottom of this. I think it is fair to say that the people who testified here before you were being honest about what they knew of the process. The problem is, the answers were unsatisfactory. The answers were challengeable.

You turned around and you talked to the Ambassador. We had directly divergent testimony in terms of what happened. People said go on about your life, recognize your husband is gone and go on about your life. I mean that hardly qualifies as a nation that is either kinder or gentler.

I wanted to ask you about a couple of things and here I would address the questions to either the Ambassador or any of the representatives of the Government.

How long has the Warsaw Convention cap of $75,000 been in existence? Does anybody know?

Mr. ROOT. It was modified in 1969, and it was increased from $10,000 to the present cap of $75,000. The original limit was set in 1926.

Mr. AMMERMAN. Mr. Chairman, that is someone from the administration.

Senator LAUTENBERG. Well, I assume they could tell us what the facts are. The facts are shocking onto themselves. So, in 1969, the last adjustment was made. Well.

Mr. ROOT. They are probably not aware of any of this.

Senator LAUTENBERG. Are you from the State Department?

STATEMENT OF JOHN ROOT

Mr. ROOT. No; I am a relative. My wife was on the flight. My father worked for the State Department. And one thing I have learned in growing up with diplomats is that you have to be very careful with language. You noticed, Senator Lautenberg, the statement 9 to 5, and you took exception to that.

Well, I would like to take exception with their use of the word crash. They are using the word crash to avoid using the word bombing. Because a crash, Senator, is something that happens. A bombing is something that is planned. And they do not want to have to deal with the implications of that.

Senator LAUTENBERG. What is your name, sir?

Mr. ROOT. John Root, R-o-o-t. My father, John Root, was a diplomat for the State Department. I am very proud of his calling.

Senator LAUTENBERG. Where are you from, Mr. Root?

Mr. ROOT. I am from New York City.

Senator LAUTENBERG. Thank you for your observations. That is why, when you said and you were so emphatic about the cap I thought we had finally gotten some knowledge or at least some response that we could put our hands on here.

Mr. Ammerman, I was handed a letter that was addressed to me on March 2 of this year from Pan Am. And I do not know whether you have seen that letter. It is sent by Rosemary Murray describing the booking.

And they claim, and this is not to challenge, but I asked the Ambassador before to get some information for us about the bookings and how it might have varied as a result of notification.

What Pan Am says, and again, this is not to challenge, they say that this was never a fully booked flight. We will put this letter in the record and you can have copies of it.

[The information follows:]

LETTER FROM ROSEMARY GRIFFIN MURRAY

MARCH 2, 1989.

Hon. FRANK LAUTENBERG,
Chairman, Senate Appropriations Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Per my discussion with Jeff Morales, I have briefly outlined the history of bookings on PA103/21 December 1988 from London to JFK. *At no time,* and I repeat, *no time,* was the flight booked solid. In fact, it was a lightly-booked flight in all classes. Broken down by First Class/Clipper Class/and Economy, the flight was capable of carrying 21/44/347 passengers.

Beginning with one hundred ten (110) days prior to the flight, we were booked 0/0/98, of which 75 were group tickets. Sixty (60) days prior to flight, we were at 2/5/98; thirty (30) days at 1/9/109 and fifteen (15) days, 7/22/114. The highest we were ever booked for that flight was one (1) day prior on the 20th when we were booked 19/34/200, of which 38 were group bookings. At time of departure, we had 15/38/183 passengers.

Our traffic from London to New york during that period was off considerably from the year previous, and the group bookings were simply not last-minute accommodations allowed when we received cancellations.

I have done a comparison of PA103 for the period December 18-24 for both 1987 and 1988. Our loads were low enough so that we were able to offer substantial numbers of group tickets far in advance of the flights.

[1987]

	Percent
December 18	93
December 19	82
December 20	67
December 21	69
December 22	75
December 23	77
December 24	31

[1988]

December 18	47
December 19	65
December 20	54
December 21	55
December 22	58
December 23	38
December 24	40

Hope this helps answer some of the allegations which have been made. Please let me know if I can provide you with more details.

Sincerely,

ROSEMARY GRIFFIN MURRAY,
System Director, Governmental Affairs.

Senator LAUTENBERG. In fact, the letter says, "In fact, it was a lightly booked flight in all classes." And they break it down by the number of passengers. In each class, they say the flight was capable of carrying, just over 400 people. And that 1 day prior to Flight 103's departure, it had about 250 people. I do not mean to be casual about the numbers, but I am trying to do the arithmetic quickly.

At the time of departure, there was a decline of about 20 people. And again, I am not here to defend Pan Am. Based upon what you said, I would invite them to submit any records or statement they want to make, not at this hearing today, but the hearing is going to be kept open.

So I offer that to you, and, please, see that these folks get a copy of this.

Mr. AMMERMAN. Mr. Chairman, we would request, and it is in our written testimony, that Pan Am supply the specific date, December 21, Pan Am Flight 103, for the previous 5 years, how many passengers actually took the flight. We also request that this committee get from Pan Am, specifics and not general terms of quarters, but if the passengers who canceled their reservations on Pan Am Flight 103, what was their names and what was the reason for canceling.

And I think that would, to a certain degree, solve this discrepancy. We do have people that will come forward and we would like to supply those names for the record at a later day, that tried to book

on Pan Am Flight 103 in October and were told by travel agents that that flight was booked solid.

Senator LAUTENBERG. We would ask Pan Am to supply that information.

Ambassador McManaway, you heard the concerns expressed and you heard the request made that the State Department get a manifest. Is it not available to the State Department of the passenger list?

Ambassador MCMANAWAY. The passengers of all flights, no, sir.

Senator LAUTENBERG. No; of that particular flight, a request that you make as the Government of the United States for a listing of the passengers, all of the passengers that were on that flight. Is that not available?

Ambassador MCMANAWAY. My understanding, Mr. Chairman, is that there was a delay in the provision of the manifest. When we finally got the manifest, it had only the last name and the first initial. And there was not sufficient information.

Senator LAUTENBERG. When did you get that?

Mr. MAHONEY. We got that at 11 o'clock at night on the evening of the 21st. And it had the last names and first initials. We then asked Pan American for the next of kin list, which was more material, through which we could try to contact people.

We received that from them about noon on December 23, after extensive discussions and very vigorous representations to them to please give it to us immediately. They said from the beginning that they had made a corporate decision that they were going to do the notification and that they were going to take the lead with the families.

There was no legal authority that we had to compel them to give us either the manifest or the next of kin list.

Senator LAUTENBERG. But there is an incredible amount of pressure that the State Department could exert, I mean without the legal authority by just saying we want this. You have an obligation to supply the Government with information.

And again, I do not want to make any excuses.

Senator D'AMATO. Well, Mr. Chairman, if I might. It would seem to me that the FAA certainly should have the ability to require not only the manifest, but all bookings that took place during the course of the year, and cancellations as it relates to people who did take or who wanted to take or who did cancel out at some point on that flight, Flight 103.

Now I would ask, Mr. Chairman, that we send a communique so that there can be no misinterpretation. I put the question to the Ambassador. He indicated that he would use his good offices to see, and I think he understood the nature of my request.

Obviously, all of those people, and particularly we are interested in those government officials who may have booked, including obviously with some specificity State Department, who may have booked but who canceled out.

Because without that, there will continue to be this lingering doubt as it relates to, was there selective notification? How and what impact did it have? It does not bring back these people who lost their life, but I think it is important for these people to know if

the notification was as the Ambassador indicated, simply a posting in Moscow by whoever the individual was, Kelly.

Mr. AMMERMAN. William Kelly.

Senator D'AMATO. And if it were nothing more than his going beyond, if there were several people who responded to it, that is one thing. It takes on a different kind of character if there were many people who undertook and could be then interpreted, heeded this notification as a threat and did not.

And then the question becomes even more, I am not going to say poignant, but it takes on an added demonstration of what happens and how it is. Because we are considering legislation as it relates to seeing to it that everybody is given the same kind of notification. And, as far as I am concerned, in this business about threat, and when you identify a threat that can or cannot be stopped, it certainly has not been—many more questions have been raised by it. And I say that to our person who deals with terrorism here, than was answered.

It seems to me by the reply, what you are saying is that to date, you have never had a threat that you could not deal with that had to result in cancellation of a plane.

And I have intruded upon the chairman's time, but I think it is important that we have with some specificity, and I would hope our staffs would see to it by the composition of a letter that we cover all bases so that one person does not say that falls outside of our sector, that is an FAA matter. And we do not cover it.

And, Mr. Ambassador, that does not let you off the hook. We will ask you to pursue that question as it relates to State Department employees. You have the ability, I think, also to help in this matter. Because it is obvious we are not going to let this go. And obviously the families of the victims are concerned and they want this question answered.

It is a haunting one. It is a nagging one. It is one that must keep them awake. It is one that they are going to live with. And we have got to get them the information, wherever it falls, wherever the chips fall, we have to do that.

So I would hope that, at least in some small way, we will begin to address some of the concerns that these families have shared with us as it relates to this tragic episode.

Senator LAUTENBERG. The State Department people, the FAA people heard charges about inadequate staffing. I cannot believe that the State Department needs the kind of sensitivity training that ought to come naturally, but obviously, according to the statements we heard here today, it was nowhere to be found.

I mean, what more sensitive job should there be, Mr. Root said it, than State Department people who are constantly out there dealing with American citizens, giving them that reassurance that our country's protection is not just limited to our borders; that we are there to give you the sustenance that you need.

DOT CONTACT WITH FAMILIES

Who is here from DOT? Mr. Salazar, are you the last person or the only person left? You heard that even DOT was not in commu-

nication, or that even DOT was not in touch with any of these folks.

Do you know anything that challenges that view or that assertion?

Mr. SALAZAR. I do know sir that Secretary Skinner has appointed two people as a focal point for contacts with the families.

Senator LAUTENBERG. When did that take place?

Mr. SALAZAR. I am not exactly sure what the timing was.

Mr. AMMERMAN. About 1 o'clock today, Senator.

Ms. MONRO. Excuse me. I am special assistant to the Secretary and he appointed me, some number of weeks ago, along with Mr. Ken Quinn, his personal counselor. Mr. Hudson and several other individuals came to the Department. They only had 1 day in town, and called to ask for an appointment with the Secretary. He was not in town that day.

As Mr. Hudson will attest, they did meet with Mr. Quinn in the Secretary's absence. We followed up shortly thereafter with correspondence, and have also, by phone, been in touch with at least one other member of the coalition. We intend to keep that up.

Senator LAUTENBERG. Did the Department of Transportation initiate contacts with these people?

Ms. MONRO. No, sir; we did not.

Senator LAUTENBERG. Do you think that they might have taken some responsibility for taking charge?

Ms. MONRO. I think so, Senator.

RESPONSES TO FAMILIES

Senator LAUTENBERG. Ambassador McManaway, would you like to refute or challenge any of the assertions these people made about State Department sensitivities?

Ambassador MCMANAWAY. Mr. Chairman, if this was the general pattern of the State Department's responses to this tragedy, then, I am distressed. And I would apologize. I do not think I can really take or try to refute all of or even respond to-——

Senator D'AMATO. Mr. Ambassador, I think your response and that the point you made is adequate. And I do not think you want to go into refuting or attempting to. I think that your response was appropriate by indicating that if indeed that was the situation, and I do not think you have any reason to believe that is was not, or that the sincerity or truthfulness of these people; that you apologize. We join in that.

Senator LAUTENBERG. We would like you to get back with us, take some time to research this. Not a lot of time, please.

Ambassador MCMANAWAY. No, sir; we mentioned earlier, I believe, we do have a review underway and we will be anxious to make that available to you.

Senator LAUTENBERG. Mr. Ammerman, are there others of your committee who would like to present statements for the record? I cannot invite them to give their oral testimony.

Mr. AMMERMAN. Yes; there is, Mr. Chairman.

Senator LAUTENBERG. We invite one and all of them to give us any commentary that they would like to. And again, we ask for it in writing so that we can put it in the record.

Mr. AMMERMAN. In closing, Mr. Chairman, I would just like to make one more comment that I think would bring this to the issue that we are at today.

On Sunday, March 12, in the Los Angeles Times news service, written by Robin Wright, regarding the pipe bombing in California. It goes through the whole article about the potentiality of terrorism, another incident that has taken place.

As I was reading this and following it, obviously, becoming addicted to this whole situation out of necessity, I get to the last two paragraphs and I do not get angry any longer, I just smile an ironic smile because it just becomes consistent.

And I would just read and I think that will sum up why we are here today and will continue to be at your doors asking for your support to help other Americans.

> Indeed, said one Bush administration official, there are reasons to believe international terrorism may not have been involved in the van blast. To go after a military man was brazen and rather obvious. It is too obvious he said. But, he added, that if the bombing is proven to be a terrorist act, something will have to be done. They hit us at home and that can't be tolerated.

Mr. Chairman, when I read that, I tried to figure out about the 200 American citizens who were blown out of the air on their way home. And I find it incomprehensible that that is not an attack at our home. And that they can separate and say 200 innocent Americans coming home to their families is not an attack at home. The inference there, Mr. Chairman, is that can be tolerated.

And I find that very hard to believe.

And we do thank you for giving us the opportunity to bring our issues and our concerns forward. And we will be at your pleasure for any other questions.

Senator LAUTENBERG. Thank you. We will conclude now. I do want to say this to you. This is now our second time meeting for some of you. We have tried to be available to make sure that we are in touch. For one thing, all of us, perhaps too distant away, share your grief.

When you hear about a child, a brother, a sister, everyone has a picture of their own family. This is not some detached objective review. This is very subjective. I mean all of us, in some way, understand very well. Everybody has experienced tragedy along the way if you have lived at all.

But I do want to say to you, I have never met a more positive group of people in my life than those of you who sit at this table, and the other victims that I sat with, who say we want to do something to make it right. And for that I commend you. I know that it is not easy to relive the experience, because every time you talk about it you do relive the experience.

But I thank you on behalf of myself personally and your country as well. And we will be in touch with you.

Mr. AMMERMAN. Thank you, Mr. Chairman.

Senator D'AMATO. Mr. Chairman, let me take this opportunity to thank the members of the committee. They have supplied our staffs with invaluable information. That information we have utilized to draft legislation, which a number of them have given public testimony to and are in support of.

Notification provisions are provisions that come directly as a result of your suggestions. Whether that legislation is enacted into law or not, and I have no illusions, I do not think you do, about the ease in which that may be accomplished, I am certain that, at the very least, we will see to it once and for all, with absolute clarity, that there will be no question of there being a second-class notification or selective notification.

I am certain that it will result in improved procedures as it regards safety and the dealing with terrorist threats and with threat assessment. And I am certain that whether it be by legislative action or by administrative rule and enforcement that you have played and give living testimony to the love and to the care and to the concern that you have for those that you have lost and translated your hurt and your outrage and your sense of loss into something meaningful and something positive that your loved ones can and will be proud of.

Mr. AMMERMAN. Thank you, Senator.

Senator LAUTENBERG. The gentleman in the back raised a hand.

STATEMENT OF GEORGE WILLIAMS

Mr. WILLIAMS. Senator Lautenberg, I just have one brief comment. My name is George Williams. My son may have been the last one. Just very briefly, as I told you, my name is George Williams and my son was First Lieutenant Williams. He was one of the 41 Government employees, he was termed: three State Department and 37 Army and their dependents. My son may have been the last one on there.

And I only came up here for one reason. I have been unable to find out—we sent my son tickets to another flight, and because of a stall on the autobahn, he missed that flight. He caught this 103 at the very last minute. He called my wife and told here that he missed it and he had another flight. And he even told her which one it was. But I am saying he caught it on the last minute.

I am wondering how many others caught it on the last minute. I have not been able to find out whether or not he traded our ticket in and paid for another one cash or on his credit card, or how much he paid for that ticket. I am not interested in the money, the fact that he may have paid $200 for it would be, I think, very, very, very illustrative of Pan Am's—of this whole flight not having enough people on it after being booked up in October.

And I thank you for your indulgence.

Senator LAUTENBERG. We appreciate that information. We will ask also, that is very interesting, how many of those were last-minute reservations. And whatever information any of you have, we would like to hear. And we appreciate the fact that you have done it so carefully and so articulately.

Thank you very much.

PANEL II—AIRPORT MANAGERS AND AIR CARRIERS

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES

STATEMENT OF ROBERT H. WADDLE, PRESIDENT

Senator LAUTENBERG. We will ask for the next panel, please. Now we are going to hear from the airport managers and the air carriers.

The people at the table should be Mr. Waddle, the president of the American Association of Airport Executives, Mr. Jackson, and Mr. Lally.

If you would just identify yourself. You know the rules, unfortunately, you are going to have to make it very brief. We were more generous with the victims than we were the other panels, and you understand why.

So identify yourself, and the order that I have is Mr. Waddle, Mr. Jackson, and Mr. Lally. Just identify yourself, and we will put a clock on here that will let you know when 5 minutes is up.

We would like you to contain your statement to 5 minutes.

Mr. WADDLE. Mr. Chairman, my name is Bob Waddle, and I am the president of the American Association of Airport Executives. I am also the executive director of the Columbia, South Carolina Metropolitan Airport.

And on behalf of the American Association of Airport Executives, I want to thank you for allowing us this opportunity to testify on aviation security. AAAE is the largest professional organization for airport executives, representing over 1,400 airport management people who, collectively, are responsible for planning and operating and managing 650 airports in our country.

Our association is neither big airport oriented nor small airport oriented. Rather, our membership includes executives of large- and medium-sized airports as well as those airports that are smaller in size.

Our association publishes a bimonthly newsletter for members and other industry officials. And in that newsletter, "The Airport Report," I write a column entitled, "The President's Column."

As I begin, I want to share with the subcommittee some of my thoughts written 40 hours after Pan American Flight 103 was blown from the sky over Scotland.

In the January 1 issue of our newsletter I wrote:

> Civil aviation is the target because of its visibility, function and importance to the civilized world. Civil aviation, indeed, is mass transportation for the people of the world.

And after describing the downing of Japan Air Lines 007 and the Iran Air A-300 as clearly mistaken events of military units, I wrote that we are dealing instead with cowardly acts of war against the people of the world.

> Certainly, our nation, as the leader of the free world, is the target many times. Certainly, our citizens are innocent victims, but other nations lose aircraft and people too. And this war-like activity must stop. It must stop because human potential is more valuable than human differences.

And then I went on to suggest that our Government be encouraged to deal effectively with those who would use our industry and its service to mankind as a tool of destruction.

Senator McCain of Arizona expressed the relationship between airport security goals and national security goals this way. At a recent conference, he said that airports can deter terrorism, but it is the role of our Federal Government, using counterintelligence methods and procedures to prevent its impact on our Nation.

And our membership agrees with Senator McCain. And we commend you and your colleagues for holding this hearing. The impact of terrorism upon civil commercial aviation deserves the attention of the Congress, the administration, and the industry. Safe and secure transport of air travelers must be the top priority of everyone, including us, the Nation's airport managers.

Let me share with the committee some of the things with which we disagree.

First, we believe airports to be secure today, given the current requirements for controlled access. We do not agree that the current threat to domestic civil aviation is centered upon the airport employees and the flight crews that must, by necessity, be given access to secure areas of the airport. The current FAA rule covering computerized access to such areas, we believe, is misdirected, given the enormous cost of such a system and the real need to use available resources on more useful countermeasures.

The new FAA rule, which bears former Secretary Burnley's trademark, requires immense and largely, we believe, unnecessary security around general aviation, corporate aviation, military, and manufacturing areas of our airports.

Such a rule, we believe, is unworkable, given the economic interest of these airport tenants and the technical problems associated with devices that are deemed by airport users to be farfetched and impractical. Should we not use these millions required for such access controls on research and development of effective explosive detection devices?

And second, if such unworkable devices are indeed mandated, we disagree with the timetable for implementation of these sophisticated access controls. We disagree because there are 270 airports covered by this rule. And there has been absolutely no determination as to the need for or the usefulness of these devices at any of these airports.

We are concerned also that security systems proposed by the current rule are not compatible or standard, while employees, mostly flight crews, must traverse numerous of these systems in a day's work.

However, we agree that the Federal Government must determine the vulnerability of airports and advise airport managers quickly when threats or dangers are known. All of our Nation's airports are not threatened. For all we know, perhaps none of them are.

Those in a position to know the threat should share this information with those of us who must provide the public protection at the local level.

Further, a vulnerability list will identify the locations at which we can place the resources necessary to deal with the threat.

Second, we support an FAA research and development effort to provide effective devices that will detect without fail potential explosives in luggage and cargo.

Mr. Chairman, the members of the American Association of Airport Executives urge this subcommittee to seek a dedicated source of funding for all security-related efforts and activities needed by civil aviation.

We should not chase some pie in the sky catchall idea, which resulted from the PSA tragedy, as is currently the norm over at the FAA.

We should work to make our efforts productive and effective, and we must coordinate our efforts. We look to the Federal Government to deal rationally with the issue of adequate funding. Moreover, we look to the Federal Government for real leadership in order to bring order out of chaos and to build confidence where none exists. And to assure a secure traveling environment for millions of passengers.

Thank you very much.

Senator LAUTENBERG. Thank you, Mr. Waddle.

[The statement of Mr. Waddle follows:]

STATEMENT OF ROBERT H. WADDLE

Mr. Chairman and members of the subcommittee—on behalf of the American Association of Airport Executives (AAAE), thank you for providing this opportunity to testify on aviation security. AAAE is the largest professional organization for airport executives, representing over 1,400 airport management personnel responsible for the planning, management and operation of 650 airports in the U.S. our membership is truly representative of airport management. It is neither "big airport" nor "small airport" oriented, since it includes the executives of large and medium size airports as well as hundreds of managers from smaller facilities, many of which are used exclusively by general aviation or regional airports.

Our words may give little comfort to the victims' families of Pan Am Flight 103, but we sincerely offer our condolences.

We commend you and your colleagues for holding this hearing. The tragedy of Pan Am Flight 103 deserves the attention of the U.S. Congress, the administration and the aviation industry. Safe and secure transport of air travelers must be the top priority of everyone, including us, the airport managers. To ignore such a tragedy would be a dishonor to the victims, their families and to all Americans who fly by air.

When the system works as it should, Mr. Chairman, very little attention is paid by the media and the general public to security measures. Indeed, those that are visible to the public are often regarded as an inconvenience. But in the unfortunate instance when security is breached, "Monday morning quarterbacks"—the so-called security experts—emerge from the woodwork to criticize the system.

We commend Ray Salazar, the Federal Aviation Administration's (FAA) security chief, and his staff for their important contributions to improving security. Even though we do not agree with FAA all of the time on security issues, Ray and his people are always willing to listen to our concerns.

FAA said recently, "the increase in criminal activities targeted at aviation, the sophistication of techniques and technologies employed in these illegal activities and the potentially deadly and costly consequences of aviation security violations, have strengthened the importance of civil aviation security as a major mission area of the FAA." We could not agree more. AAAE and its members have always been active participants in the efforts to improve security at our Nation's airports. The airports and airlines take security very seriously and will continue to cooperate with FAA on implementing programs that will improve security procedures.

It is virtually impossible, however, to perceive and prevent every threat to our aviation system. If someone is intent on violating security procedures, he will find a way to succeed. It is impossible to design an air transportation system capable of processing over 450 million passengers a year—let alone all the visitors that accompany each passenger to the airport—and give 100 percent assurance that nothing

will ever happen. The only way to unequivocally guarantee an impenetrable security system is to shut the air transportation system down. In a democratic society that guarantees the freedom of movement, we must find security measures that do not unreasonably impinge on that right.

If we don't ground all the airplanes, what then? Realistically, the most that can be done is to design and implement procedures and systems that will meet the real security threat, not some improbable "what if" fantasy.

A pro-active approach to designing systems that solve tomorrow's security problems must include a major and aggressive research and development (R&D) program by the Federal Government. Yet, the current R&D budget for security is only about 5 percent of the FAA's total R&D budget. More R&D funding for FAA security programs must be made available by Congress if we are to make any progress.

For instance, we are fully behind the current R&D effort to develop effective explosive detection devices, such as the thermal neutron analysis that will alert authorities to plastic explosives contained in checked luggage and carry on bags, and those carried on board by a passenger. This is a very worthwhile project, one that we believe appropriately addresses the most pressing threats in the security arena. There may be other significant projects that have the potential of responding to threats against aviation, and these areas should be examined as soon as funding is made available.

FAA must continue to conduct studies to assess the vulnerability of international and U.S. airports to current threats. This essential first step allows both FAA and the airport operator to assess properly just what measures are required to deal with perceived threats effectively. This also allows FAA, in close cooperation with the airports and airlines, to determine the best way to employ "state of the art" technologies and operational procedures in the most economically viable and responsive manner. You simply put your resources where they will do the most good.

Mr. Chairman, airport executives will be first to stand up and applaud efforts that will add real improvements to aviation security. However, we are most concerned about the recent rule requiring the top 269 U.S. airports to install computerized access door systems at all areas leading to aircraft operating areas. In other words, every door at an airport which employees use to gain access to the aircraft ramp areas, must be converted to a computerized, locked door that only opens to control card entry. AAAE is generally supportive of the concept, but there are several unanswered questions that we believe will eventually undermine the intent and effectiveness of the present regulation.

First, and most importantly, we wonder whether the millions of dollars that will be spent over the next few years to install these systems could not be used on more appropriate measures, such as explosive detection devices. In our society, everything has a price tag. Public officials are no longer in the position of spending unlimited tax monies on every conceivable security or safety program. Choices must be made. This rule is no different. Mr. Chairman, please be assured that airport executives are not against spending millions of dollars and focusing our attention to improve security. It is simply a matter of the priority for limited funds, and limited expert time, available to the industry.

Second, there is the concern about the compatibility of these computerized security systems. If this new regulation is to provide meaningful security improvements, it must assure standardization of the access technology and compatibility of systems among airports and between airports and airlines. Without commonality, each airport could select a totally different card-reading or keypad system. As a result, airline crews would have to carry a different identification card for each airport they pass through, making these systems entirely inefficient and quite possibly unsecure.

In this regard, we appreciated your efforts to include report language in the fiscal year 1989 Department of Transportation Appropriations which pointed out this concern. It is unfortunate that the FAA totally disregarded the industry's request and your report language that directed the FAA to "perform operational testing at selected airports" before proceeding with selection and installation of an appropriate system.

The Federal Government needs to take the lead in providing a basic operating system that does not disqualify vendors from bidding on these systems but will allow these computers to speak to each other in the same language. We are not computer experts, but question why we cannot develop a compatible system similar to the ATM bank machine which allows one to use the same card for every ATM bank machine location. Compatibility is a major deficiency in this rule.

Third, FAA must reevaluate a recent policy decision that, in effect will force airports into roles of surrogate regulators of the various tenants operating on airports, even military installations on airports. Any effective security system must force in-

dividual tenants of an airport—airlines, fixed based operators, air cargo companies—to be ultimately responsible and accountable for the security of their exclusive areas. To make a third party, such as the airport operator, responsible for violations in areas they cannot monitor and control 24 hours a day is naive and irresponsible. Anything less will create more problems than it will solve.

Fourth, we urge your committee to consider providing dedicated funding for these access systems outside the regular airport improvement program. The industry estimates that these computerized systems could cost the taxpayers as much as $900 million, excluding general maintenance, over the next 10 years. (That same amount of money would buy approximately 1,100 thermal neutron analysis systems, an average of five systems for every U.S. airport covered by this rule.) In fact, the costs could soar over $1 billion because the final rule encompasses all buildings at an airport, not just the terminal facility, as proposed in the original NPRM. Entitlement or discretionary funds used to pay for these systems will force airports to forego other equally important security or safety improvements at their facilities. There must be dedicated funding so that we do not sacrifice other critical safety projects at our Nation's airports.

And, fifth, even though FAA built in some additional time for system plan approval and implementation at smaller airports, the overall time requirements contained in the final regulation are not adequate to provide for a realistic evaluation of these systems. The limited domestic airport experience in this area, coupled with the limited sources of expertise, requires an orderly and practical work plan. As it stands now, many airports, because of the tight timeframes and their own budget procedures and constraints, will install wrong systems that eventually will have to be replaced at a considerable cost to the taxpayers. A more realistic timeframe will avoid having to "reinvent the wheel".

What is the practical impact of the rule as it now stands? Simply stated, an operational nightmare. For example, in hundreds of communities, the airport is operated on a 24-hour basis, even though the fixed based operator (FBO) is closed some of that time. This means that if a general aviation aircraft flies into one of these airports during periods when the FBO is closed, once the pilot and his or her passengers, such as you, Mr. Chairman, exits the plane, he or she is in violation of the airport's security program unless they have an airport-issued ID.

Air ambulances and other life-saving missions which regularly operate 24 hours a day also would be unable to enter and exit the airport when time is of the essence unless they have a valid ID. When FAA was questioned on this subject, the response was that general aviation areas of the airport should be physically separated from the rest of the airport by a perimeter fence or some other obstacle to prevent unauthorized access. This seems all well and good until you inquire about the best way is to taxi an aircraft through a 10-foot-high barbed wire fence.

Finally, at airports where the National Guard or another active duty military base operates, each and every military member that enters the base would be required to be badged by the airport in order to receive unescorted access to the base. as you know, Mr. Chairman, security at an Air Force base with front line fighters or aircraft far exceeds any FAA requirement. Under this regulation, however, these military personnel would still have to have an airport ID, even though they will be nowhere near commercial aircraft.

Mr. Chairman and members of the subcommittee, AAAE stands ready to work with Congress, the airlines, other users and the FAA to devise and install systems and procedures that will provide real—not cosmetic—improvements to our aviation security program. Anything less would be a disservice to the traveling public. But in our fervor to address security issues, we must use common sense and expend our resources where they will be the most effective in deterring those who are intent on doing harm to the traveling public. Thank you again for providing us with this opportunity to express our views on the important issue of security.

Airport Operators Council International

STATEMENT OF WILFRED A. JACKSON

Senator Lautenberg. Next is Mr. Jackson.

Mr. Jackson. Mr. Chairman, I am Bill Jackson, director of operations for Baltimore-Washington International Airport. I am very pleased to be here today on behalf of the Airport Operator Council

International [AOCI] in my capacity as chairman of AOCI's operation safety and security committee.

AOCI represents the legal, regional, and State governmental bodies that own and operate the principal airports serving scheduled airlines in the United States and throughout the world.

We want to thank you for holding this hearing on a very important and sensitive issue, and for giving us the opportunity to express our views.

We airport operators have an intense interest in the improved security of airports, air carriers, and most importantly, air travelers.

To achieve greater aviation security, we must enhance the cooperation of every available nation and international police and intelligence operation to identify, track, and intercept the terrorist before he gets to the airport.

This is a task that only the nations' governments can accomplish. And certainly governments must also cooperate to bring terrorist to justice when they commit heinous crimes against the people of this Nation or the world.

Achieving aviation security is very complex and costly. Every airport has a unique situation, unique facilities and needs, and faces a unique set of threats which multiplies the complexity and in turn the cost of all solutions.

Airport operators have not been idle. We have modified our facilities, installed new equipment, added personnel, and actively worked with airlines, law enforcement agencies, and the Federal Aviation Administration to improve security.

U.S. airports, today, have complied with all safety and security requirements of our FAA. Until now, those requirements have been logical, meaningful, and certainly doable, as well as very cost-effective.

However, the DOT and FAA have taken, what we consider to be a precipitous action to issue the final rule of access to secure areas of airports. We agree and concur with the AAAE in their assessment. We strongly support improved security, as was said before, and for that matter, the underlying purpose of access control rule itself.

While improved systems must certainly deal with the elements of outside intervention, we believe that the infinitely greater threat is from without, not from within—the various forms of terrorism which have gone virtually unaddressed in this rule. It would not have prevented the Pan Am flight disaster.

The vast amounts of money that will be needed to implement this new rule could be more effectively spent by first identifying the real and potential threats, and then targeting resources to develop better systems and measures to counter those threats.

The rule is also totally silent on the compatibility of such systems from one airport to another. Nor is there any guidance given by the FAA as to just how a discharged employee will have his termination announced to the other 270 systems at other airports immediately, a term which the FAA also declines to define.

But even accepting the rule, we face the immediate problem of how to fund these systems. Unless Congress and the Federal Government provide additional funding to help airports meet this new

requirement, moneys will have to be diverted from other important airport safety, security, and capacity enhancement projects, which are now on order, to meet the very short timeframe of this requirement.

The FAA suggests that it may cost about $170 million for the entire 270-facility system. Given the ambiguities that we have already described, we believe it may cost as much as 10 times that amount.

The FAA funding estimate was based upon the assumption that a phase 1 airport has an average of 128 access points to the air operation area. A phase 1 airport is an airport which screens more than 25 million passengers annually.

However, there is a significant number of major phase 1 airports at which a single building may have as many as 128 accesses.

As a point of reference, Baltimore-Washington International Airport, just north of your city, screened approximately 6 million passengers in 1988, and we are a phase 2 airport. And yet, it has more than 130 access points to the air operations area just from our terminal building. This does not include vehicle gates, air cargo buildings, and general aviation activities.

Forcing the 270 airports to spend millions and millions of dollars to install access control systems over a period of 30 short months, when the FAA is unable to answer many of our questions concerning interpretation and requirements of their rule, is neither prudent nor the most effective approach to increased security.

If it is of a national interest to require access control systems at all U.S. airports, then it is certainly the Federal Government's responsibility to provide adequate funding assistance from the aviation trust fund to implement these systems.

We want to express our appreciation to this subcommittee and to you in particular, Mr. Chairman, for the language that you placed in the committee report accompanying the appropriations bill last year, which encouraged the DOT and FAA to institute a pilot program to develop a rational approach to airport security.

Unfortunately, they did not follow your advice. Your consensus then, are still valid now. And we strongly urge you to closely monitor and give further guidance to the FAA as it implements the new rule.

We still believe it is in the best interest of everyone concerned to have a pilot program in which we can operationally test all of our systems to insure the best technology for the best and most effective systems at the most cost-effective price.

AOCI endorses the current FAA security-related research and development program. And we urge this subcommittee to give its full support to these efforts.

AOCI also compliments the FAA for commissioning work at the Baltimore-Washington International Airport to find areas where security can be improved and enhanced beyond current levels.

This underscores our point that pilot programs are effective in developing procedural and equipment improvements to reduce security risks and the expenditure of large sums of money.

Only the Federal Government can provide the leadership and funding needed for effective aviation security. AOCI firmly believes

that the nature of today's threat requires a much greater role for the Federal Government in aviation security.

Senator LAUTENBERG. Your full statement will be published as a part of the hearing transcript and so unless there is one last point that you want to make, otherwise we will take the full statement. You have a fairly lengthy and very complete statement, I must add, and we will have the whole thing in the record.

Mr. JACKSON. I stand ready to respond to any of your questions.

Senator LAUTENBERG. Thank you very much.

[The statement follows:]

STATEMENT OF WILFRED A. JACKSON

Good afternoon Mr. Chairman and Members of the Subcommittee: I am Bill Jackson, Director of Airport Operations for Baltimore Washington International Airport. I am pleased to be here today on behalf of the Airport Operators Council International in my capacity as chairman of AOCI's Operations, Safety and Security Committee.

The Airport Operators Council International (AOCI) represents the local, regional and state governmental bodies that own and operate the principal airports serving scheduled airlines in the U.S. and throughout the world. AOCI's member airports enplane more than 90 percent of total domestic and virtually all international scheduled airline passenger and cargo traffic in the United States.

We want to thank you for holding this hearing on this very important and sensitive issue, and for giving us the opportunity to express our views. As the local governments responsible for the safe and efficient operation of our nation's airports, we obviously have an intense interest in the enhanced security of airports, air carriers and, most importantly, air travelers.

Aviation security is absolutely vital to the air transportation system upon which our nation's economy and citizens depend, and it can truly be a matter of life-and-death. It is because aviation is so widely used, and because the potential for disaster is so great, that violence and interference with air transportation are so attractive to terrorists. Efforts to ensure the security of commercial aviation require concerted Federal and local actions.

COUNTERING THE THREAT

We can achieve true aviation security only when the reasons for a terrorist to use violence are relieved, and when the means and opportunities for doing so are removed. Relieving the impulse to commit violent acts against aviation is a matter of world economic and political change, and appropriate for national governments, including this Congress, to address. We need to focus not only on removing the means and opportunity for violence, but on cooperative governmental efforts to interdict terrorists well before they reach airports or aircraft, and certainly, to bring terrorists to justice when they commit heinous crimes against the people of this Nation and the world.

We must enhance the cooperation of every available national and international police and intelligence operation to identify, track and intercept the terrorist *before* he ever gets near the airport. The terrorist today has as his target not Airline X, but the policies and principles of the United States (or other) government, and that is the level at which government must meet the terrorist head-on. It is the Federal Government which has the intelligence network, resources and jurisdiction to counter international terrorism. Airport operators are committed to doing their part on the local front, but we need leadership, cooperation and support from the Federal Government to do our jobs effectively.

The Federal Government's role in leading and organizing the improvement of aviation security is mainly the responsibility of the Federal Aviation Administration. The Federal Aviation Act gives the FAA responsibility "to protect against terrorist and other criminal threats." No solution is permanent. Each and every initiative to remove the means or opportunity to threaten security is subject to a terrorist's attempts to circumvent that security measure. As the threat has shifted over the last 20 years from hijacking to sabotage and terrorist attacks, the DOT and FAA have toughened regulatory requirements on all U.S. airports and airlines in response to specific incidents, but without regard to specific circumstances and risks.

It is time that the Federal Government conducted a thorough risk assessment and developed appropriate responses and preventive measures that actually enhance Federal and local capabilities to effectively increase security, rather than simply adding regulations for the appearance of better security.

We must focus our efforts on realistic and effective means of protecting airports, air carriers and air travelers. Achieving aviation security is very complex and costly. The physical aspects of aviation security are costly because they involve construction or modification of entire facilities and the purchase of expensive, advanced technologies. Every airport has a unique situation, unique facilities and needs, and faces a unique set of threats, which multiplies the complexity, and in turn, the cost, of solutions.

FAA AIRPORT ACCESS CONTROL RULE

Airport operators have not been idle. We have modified our facilities, installed new equipment, added personnel, and actively worked with airlines, law enforcement agencies and the Federal Aviation Administration to improve security. U.S. airports today have complied with all safety and security requirements of the FAA. Until now, their requirements have been logical, meaningful, and doable, as well as generally affordable. However, the DOT and FAA have taken a precipitous action in issuing a final rule on "Access to Secured Areas of Airports", otherwise known as the access control rule.

Let me state at the outset that we strongly support improved security, and, for that matter, the underlying purpose of the rule itself. It addresses a valid, but very limited possibility, that of the "threat from within" of a disgruntled or deranged employee. To our knowledge, that threat has come to fruition only once in the past 60 years, in the 1987 PSA incident in California. While improved systems must certainly deal with that element, we would suggest that the infinitely greater "threat from without"—the various forms of terrorism—has gone virtually unaddressed in this rule. The vast amounts of money that will be needed to implement the rule could be more effectively spent by first identifying the real and potential threats and then targeting resources to develop better systems and measures to counter them.

The rule suggests an average of 128 access points for a phase one airport, which is one that screens more than 25 million passengers annually. However, there are a significant number of major airports at which *a single building* has more access points than this.

As a point of reference, Baltimore/Washington International (BWI) screened approximately 4 million passengers in 1988, yet the airport has more than 130 access points to the air operations area from the terminal building alone. This does not include vehicle gates, air cargo buildings, or general aviation activities.

Additionally, the rule does not address the issue of asbestos abatement when walls in a 30-year old airport are torn up. I can assure you that this alone is an expensive and complex process.

What else must we spend the money on? We're not sure, because the rule does not describe what types of systems shall be acceptable in meeting yet-unpublished criteria. *It does not even tell us what a "secured area" is,* much less how extensive the system must be. To illustrate the "Catch-22" dilemma airports face in complying with the rule, let me quote from the rule itself, on page 15:

> "For the same reason that 'secured area' was not defined,
> the FAA was not specific regarding doors, gates, and other locations to be controlled. To do so would compromise an airport's security program. *For that reason, the FAA specifically requested that airport operators not discuss in their comments specific details of current or proposed security arrangements.*" (Emphasis added).
> On page 17, however, the rule states that *"since the commenters did not identify the specific issues to be considered to prevent a deterioration of security, the FAA cannot adequately respond to that concern."* (Emphasis added).
> Bureaucracy at its finest.

The FAA must address this issue! We understand the need for confidentiality in such sensitive matters and believe that much of the discussion should not be for public consumption. However, that is no excuse for developing regulations in a vacuum without the opportunity for those affected to discuss legitimate problems and concerns behind closed doors.

There are other problems: Should we not also be concerned about cargo facilities? Where is the responsibility of an exclusive use tenant (airline)? How much responsi-

bility for security passes between the airport and non-aviation tenants such as food service, concessions, or maintenance personnel? The rule does not address these issues.

We must also note that the rule is totally silent on the compatibility of such systems from one airport to another. The very nature of aviation is that anyone is but a few hours from any point on the globe. Yet there is no guidance offered as to whether, for example, the crew of any given airline which stops at seven cities in the course of a day will have to carry seven different access cards today (and seven different ones tomorrow). Nor is there any guidance given as to just how a discharged employee will have his termination announced to the 270 systems at other airports "immediately"—a term which the FAA also declines to define. To further compound the problem, airports are receiving equally ambiguous—and often conflicting—guidance from FAA's regional offices. We find it virtually impossible to design a system which has no boundaries, and no guidance.

Forcing 270 airports to spend millions of dollars to install access control systems over a period of 30 months when the FAA is unable to answer many questions concerning interpretation and requirements of their own rule is neither prudent nor the most effective approach to increase security.

Having made our point about the ambiguity of the rule's requirements, we move on to the obvious next step: if we accept that we must do what the rule suggests, vague as it may be, we then face the immediate problem of how to pay for these systems and meet the very short time frame required. Unless Congress and the Federal Government provides additional funding to help airports meet this new requirement, monies will have to be diverted from other important airport safety, security and capacity projects. The FAA suggests that it may cost about $170 million for the entire 270-facility system. Given the ambiguities we have already described, we believe it may cost as much as *ten times* that amount.

The DOT/FAA has neglected to adequately estimate the costs of these systems and to provide funding to ensure that airports are capable of implementing them within the required timeframe. FAA has stated that it intends to make available from Airport Improvement Program funds only about $28 million for fiscal year 1989, and $38 million for fiscal year 1990. This money would come out of already limited discretionary funds (approximately $115 million) at the expense of other important projects. Of course, those funds would go only to the few successful grant applicants; other airports must somehow find funding from some other unidentified source. If it is in the national interest to require access control systems at all U.S. airports, then it is certainly the Federal Government's responsibility to provide funding assistance from the Aviation Trust Fund to implement these systems.

Given such a short timeframe for compliance, it is clear that sufficient funding will not be available. Will the market have a sufficient quantity of appropriate technology available, and if not, will the price of the limited number of systems available be bid up to meet deadlines? Perhaps airports will be forced instead to design their systems around available, but lower quality and/or less reliable, equipment, as well as inexperienced contractors to install and/or maintain the systems. This will hardly enhance security.

We want to express our appreciation to this Subcommittee and to you, in particular, Mr. Chairman, for the language you placed in the Committee report accompanying the appropriations bill last year which encouraged the FAA to institute a pilot program to develop a rational approach to airport security. Unfortunately, they did not follow your advice. The concerns the Committee expressed about the implementation of the proposed rule are still valid, and we strongly urge you to closely monitor and give further guidance to the FAA as it implements the rule. We still believe it is in the best interests of everyone to have a pilot program and operational testing to establish the best technology, for the best and most effective systems, at the most cost-effective price.

FAA/AIRPORT/AIRLINE COOPERATION

Our efforts to combat terrorism requires concerted action and cooperation by the Federal Government, airports and air carriers. However, the current method of FAA levying fines for security violations often creates an adversarial relationship between FAA and the airports and air carriers, to the detriment of security. We are not opposed to fines per se; they may add to the level of awareness at each facility that the government cares about the quality of the service being offered, and intends to continue monitoring.

We believe, however, that FAA could improve this situation in two ways: one, FAA could deemphasize the punitive attitude toward fining airports and carriers for

security violations, and instead work directly with them to remedy the system component that failed during the inspection process. Second, if FAA must continue to levy fines, money received from these fines should be applied to air carrier and/or airport security either directly, through grants for security-enhancement projects, or through more FAA security-related research and development. These options would enhance security teamwork, rather than increasing antagonism and reducing funds available to airports and airlines to bolster security.

RECOMMENDATIONS FOR FEDERAL GOVERNMENT ACTION

AOCI strongly endorses the current FAA security-related research and development program, and we urge this Subcommittee to give its full support to those efforts that enhance aviation security. In addition, we recommend initiation of work on human factors to improve passenger screening, and the development of devices to detect non-metallic weapons, such as plastic handguns. We commend the Congress for enacting a law banning plastic weapons; now we need the detection systems to ensure enforcement.

AOCI applauded former FAA Administrator McArtor's decision last December, to accelerate delivery of thermal neutron analysis devices. At FAA's research, engineering and development conference in early December, AOCI and the airline industry had asked FAA to take this step.

We urge this Subcommittee to provide greater emphasis and funding for the development of vapor detection technology for the inspection of checked and hand-carried baggage and cargo. FAA has had promising results from tests of vapor detection equipment, which offer enormous benefit in the detection of weapons and explosives as well as interdiction of contraband and illegal drugs.

There are certainly some problems with the systems which are not appropriate to discuss in open hearings, but vapor detection and thermal neutron analysis are potentially the most productive efforts FAA could make to enhance air transport security.

AOCI also compliments FAA for commissioning work at Baltimore-Washington International Airport to find areas where security can be improved beyond current levels. This underscores our point that pilot programs can be effective in developing procedural and equipment improvements to reduce security risks, without turning airports into military fortresses, which would be unacceptable to the American public.

Only the Federal Government can provide the leadership and funding needed for effective aviation security. AOCI firmly believes that the nature of today's threat requires a much greater role for the Federal Government in aviation security. I would like to bring to your attention the recommendations that AOCI has proposed to the White House, the Secretaries of State and Transportation, and the FAA:

1. The Federal Aviation Administration should be directed by the Secretary of Transportation or Congress to immediately concentrate existing security resources where they are needed most. In recent years, Congress increased FAA's security budget, and more security inspectors and Federal air marshals subsequently were hired. They should be assigned to ground security duties, particularly in Europe, the Middle East, and the Far East where the threat of terrorism is greatest and where the presence of government security officials could provide a significant deterrent.

2. The FAA should give higher priority to the development of emerging new technologies, such as thermal neutron analysis devices and "vapor detection" equipment, which can enhance our ability to detect explosives. The agency should devote resources necessary to bring these infant technologies to rapid maturity—and then use them.

3. The U.S. must accelerate efforts to strengthen international agreements affecting airport security. Through the International Civil Aviation Organization (ICAO), the U.S. Government should seek to establish strong security standards and recommended practices for all nations of the world. ICAO should be given the authority *and resources* it needs to police such agreements, and to develop and enforce sanctions against governments that fail to live up to established international standards.

4. Pending the achievement of such international standards, FAA should impose the same security requirements on foreign carriers serving the United States that it already imposes on U.S. carriers. The ultimate goal, obviously, is to protect U.S. citizens—whether they are flying on U.S. or foreign carriers. Following past terrorist attacks on U.S. aircraft, many Americans have switched their business to foreign carriers, believing they were enhancing their security, when in fact they may have been placing themselves in greater jeopardy.

In conclusion, Mr. Chairman, the Federal Government must define and continually re-define the nature of the threats to aviation, and consult and assist airports and airlines in developing and implementing new and better security systems to thwart the everchanging threat. It may not be appropriate to do this in public forums, and we must all use discretion in discussing the problems and needs of aviation security. But we must get on with a full assessment of current and future risks and making decisions as to where limited resources should be most effectively deployed.

Thank you, Mr. Chairman. I will be pleased to answer any questions you may have.

AIR TRANSPORT ASSOCIATION OF AMERICA

STATEMENT OF RICHARD F. LALLY, VICE PRESIDENT OF SECURITY

Senator LAUTENBERG. We have now Mr. Lally.

Mr. LALLY. Thank you, Mr. Chairman. I am Richard Lally, vice president of security for the Air Transport Association of America.

We have submitted a complete statement for the record. However, I would like to highlight some of the content of it for your consideration.

U.S. airlines have redoubled security efforts in the wake of the bombing of Pan Am 103 instituting even tighter security procedures for international flights than existed before that tragedy. But the security challenge that the airlines face today is formidable, and the airlines cannot meet that challenge alone. They very much need government's help, including the direct assistance of Federal Aviation Administration security professionals to provide adequate security in high risk areas of the world.

The nature of the security threat today is far different and far more dangerous from what it was in the early seventies when we first began screening passengers and their carry-on baggage. Then hijacking was the primary threat. Now it is sabotage by international terrorists seeking to influence the behavior of governments through acts of violence against commercial aviation. Modification of government policy is their real goal, commercial aviation really the surrogate target.

Meeting this new threat both warrants and requires greater government involvement in airline security. The U.S. Government must go beyond its traditional regulatory role and become an active partner of the airlines in security.

I have four specific recommendations to offer here. In making these recommendations I do not mean to suggest that it is solely the Government's responsibility to improve security. The airlines must do their part, and I assure you they will.

The first recommendation is that the FAA should concentrate its own security resources where they are needed most. Congress has substantially increased FAA's budget for security following the terrorist hijacking of the TWA jetliner in the Mediterranean 2½ years ago.

In December FAA announced plans to further increase its security work force by 35 percent over the next 20 months. These are welcome news, but we caution that they will do little from a practical value to enhance security or safety of the traveling public unless these expert resources are deployed in areas where the threat of terrorism is greatest, specifically to Europe, the Middle East, and the Far East.

We are not suggesting that FAA abandon its security responsibilities at domestic airports, but I am suggesting that it must assign more of its security people to ground duty in support of airline security activities at high risk airports overseas.

A second security recommendation is that the Government must speed the development and commercial application and availability of emerging new technologies that detect hidden explosives. FAA has had promising results in recent tests of equipment design to detect vapors emitted by explosives. It also has achieved significant breakthroughs in the development of thermal neutron analysis technique, a process that appears capable of detecting all known explosives in the quantities necessary to bring down a commercial aircraft.

FAA announced that it will be buy six thermal neutron analysis machines this year and will do all that it can to bring this new technology on line quickly. We think FAA should increase that purchase order, and we think the new machines as well as the two existing units FAA has been using for tests here in the United States should be airlifted to Europe as soon as possible.

In addition, the Government should help nurture these new screening technologies to maturity by providing seed money for the first industry buy of state-of-the-art equipment. FAA provided funds to the airlines in the early 1970's to speed the deployment of effective metal detectors at U.S. airports and financial assistance now is even more appropriate and more urgently needed in meeting today's far more dangerous threat of terrorism.

On this score ATA, the Air Transport Association, has developed a preliminary estimate of the explosive detection equipment requirements to support U.S. airline operations at high threat foreign airports as well as a preliminary estimate of the cost involved. A detailed breakdown of these estimates is attached to our statement that is submitted for the record.

But in summary, our preliminary estimate is that 66 thermal neutron analysis units and 171 vapor detection units are needed to meet the security requirements of eight U.S. airlines at 45 high threat airports in Europe, the Middle East, and Far East. Costs are estimated at $49,500,000 for the thermal neutron analysis units and $17,100,000 for the vapor detection units, for a total preliminary cost estimate of $66,600,000.

We believe that Federal funding for this equipment is justified and warranted. Such funding could be provided by means of a special preparation from the aviation trust fund for this purpose.

Our third recommendation is that the United States accelerate efforts to strengthen international agreements on security through the International Civil Aviation Organization. We believe further that ICAO should be given the resources and the authority it needs to evaluate security programs around the world and the authority to impose sanctions that fail to live up to the established standards.

The fourth and final recommendation is one that will help ensure travelers the protection they deserve until the tough international standards are in place and that is that FAA must apply the same stringent security measures on foreign airlines serving this country from the same high risk airports, the same stringent security measures that FAA has applied imposed on U.S. carriers.

The fact that U.S. carriers do not abide by the same rules we think is an obvious flaw in FAA's approach.

And that sort of summarizes our statement, but I will be happy to try to respond to any questions that you or the committee might have.

[The statement of Mr. Lally follows:]

STATEMENT OF RICHARD F. LALLY

Good morning. My name is Richard F. Lally, I am assistant vice president for security of the Air Transport Association of America. I wish that my appearance before the subcommittee were under more pleasant circumstances following a lengthy period of uninterrupted safe, secure, commercial air travel rather than the tragedy we had above Scotland in December. I welcome this opportunity, however, to discuss with the subcommittee the critical need to expend more effort in responding to threats of sabotage against international civil aviation.

The explosion aboard Pan Am Flight 103 was a painful reminder of the vulnerability of a free society to terrorist attacks. The U.S. airlines with service overseas have had extraordinary security measures in effect for the past three years at 45 high risk airports, most of which are located in Europe and the Middle East. Yet, despite those efforts, someone, or some group, succeeded in sabotaging Flight 103 and tragically ending the lives of 270 people.

We have redoubled our efforts in the wake of that crash, instituting even tighter screening procedures for international flights than we had before the crash. But the security challenge we face today is formidable, and the airlines cannot meet that challenge alone. They are commercial enterprises, not intelligence agencies. They rely on their government, and allied governments, to help track and assess the many security threats made against commercial airlines each year. And they very much need government's help, including the direct assistance of Federal Aviation Administration security professionals, to provide adequate security in high risk areas of the world.

The nature of the security threat we face today is far different (and far more dangerous) from what it was in the early seventies when we first began screening passengers and their carry-on baggage. Back then, hijacking was the primary threat. Now it is sabotage by international terrorists seeking to influence the behavior of governments through acts of violence against commercial aviation. Modification of government policy is their real goal, commercial aviation merely the surrogate target.

Meeting this new threat both warrants and requires greater government involvement in airline security. The U.S.Government must go beyond its traditional regulatory role and become an active partner of the airlines in security.

I have four specific recommendations to offer here today. In making these recommendations, I do not mean to suggest it is solely the government's responsibility to improve security. The airlines must do their part and I assure you they will.

My first recommendation is that the FAA should concentrate its own security resources where they are needed most. Congress substantially increased FAA's budget for security following the terrorist hijacking of a TWA jetliner in the Mediterranean three and a half years ago. FAA subsequently hired more air marshals and security inspectors, thereby doubling the size of its security workforce. In December, FAA announced plans to further increase its security workforce by 35% over the next 20 months. That will add about 120 more aviation security experts to FAA.

Those are welcome moves, but I must caution that they will do little to enhance the safety of the traveling public unless these expert resources are deployed in areas where the threat of terrorism is greatest—specifically to Europe, the Middle East and the Far East.

I am not suggesting that the FAA abandon its security responsibilities at domestic airports but I am suggesting that it must assign more of its security people to ground duties in support of airline security activities at high risk airports overseas.

My second security related recommendation is that the government must speed the development and commercial application of emerging new technologies that detect hidden explosives. FAA has had promising results in recent tests of equipment designed to detect vapors emitted by explosives. It also has achieved significant breakthroughs in the development of thermal neutron analysis, a process which bombards baggage and cargo with neutrons and that appears capable of detecting all known explosives in the quantities necessary to bring down a commercial aircraft.

FAA recently announced it will buy six thermal neutron machines this year and will do all that it can to bring this new technology on line quickly. We think FAA should increase that purchase order. And we think the new machines, as well as the two existing units FAA has been using for tests here in the United States, should be airlifted to Europe as soon as possible.

In addition, the government should help nurture these new screening technologies to maturity by providing seed money for the first industry buy of state-of-the-art equipment. FAA provided funds to the airlines in the early seventies to speed the deployment of effective metal detectors at U.S. airports. Financial assistance now is even more appropriate, and urgently needed, in meeting today's far more dangerous threat of terrorism.

ATA has developed a preliminary estimate of the explosives detection equipment requirements to support U.S. airline operations at high-threat foreign airports as well as a preliminary estimate of the costs involved. A detailed breakdown of these estimates is attached to this statement.

In summary, our preliminary estimate is that 66 thermal neutron analysis units and 171 vapor detection units are needed to meet the security requirements of eight U.S. airlines at 45 high-threat airports in Europe, the Middle East and the Far East. Costs are estimated at $49,500,000 for the thermal neutron analysis units and $17,100,000 for the vapor detection units, for a total preliminary cost estimate of $66,600,000.

We believe that federal funding for this equipment is justified and warranted. Federal funding could be provided by means of a special appropriation from the Aviation Trust Fund for this purpose.

My third recommendation is that the United States accelerate efforts to strengthen international agreements on airline and airport security. The International Civil Aviation Organization has made considerable progress in that direction in recent years, but more needs to be done. ICAO should lay out tougher security standards and recommended practices for all nations.

It should be given the resources it needs to evaluate security programs around the world and the authority to impose sanctions against nations that fail to live up to established standards. The special ICAO council meeting convened last month at the request of the U.S. and U.K. governments was a good first step in that direction.

While I am on the subject of international agreements, I would also like to urge prompt consideration by the U.S. Senate of the Montreal protocols. That agreement, together with a supplemental compensation plan meeting criteria specified by the executive branch, will assure swift, fair and full compensation for damages suffered by innocent victims of terrorist attacks on commercial aviation. Under the current regime, established by the Warsaw Convention, claimants face years of costly and agonizing litigation when attempting to break treaty-imposed limits of liability.

My fourth and final recommendation is one that will help ensure U.S. travelers the protection they deserve until the tough international standards I just mentioned are in place. It is that FAA impose the same security requirements on foreign carriers serving the United States as it imposes on U.S. carriers. On December 29, 1988, FAA mandated heightened security measures for U.S. airlines serving Western Europe, the Middle East and the Far East. Those same security steps were not required of foreign air carriers serving the U.S. from the same high-threat airports. We believe it is imperative that FAA impose the same heightened security measures on foreign carriers serving the U.S. that they imposed on U.S. carriers in the wake of the Pan Am crash.

The fact that foreign carriers do not operate under the same security rules is, I think, an obvious flaw in FAA's current security program. Some 50% of U.S. citizens traveling abroad fly with foreign carriers, so beefing up security only for U.S. carriers would be like having police patrols only on odd numbered streets. U.S. carriers fully support the additional security measures ordered by the FAA following the Flight 103 tragedy. But if the United States Government is serious about the safety of American travelers it must impose the same requirements on foreign airlines serving the U.S. from the same high-threat foreign airports.

An objective analysis of the incidents in which explosions have occurred onboard civil aviation aircraft since 1983 confirms that all of civil aviation—that is, airlines of *all* flags, not just the U.S. flag—are the target. 573 of the deaths resulting from these bombs stemmed from devices placed aboard airlines of other nationalities, whereas 274 deaths (including the 11 victims on the ground in Scotland) involved U.S. flag aircraft. Further underscoring this point is the fact that last year there were only 2 U.S. airline hijackings—the lowest annual total since 1973—compared to 13 hijackings of foreign air carriers during that same year.

I should note that former FAA Administrator McArtor wrote to his counterparts in Europe, the Middle East and the Far East urging tighter security measures. That was a step in the right direction, but it does not go far enough. Foreign airlines with service to the United States should be legally bound to comply with U.S. security regulations.

Let me mention some of the things the U.S. carriers are doing on their own to address the need for improved security. Several weeks prior to the Pan Am explosion over Scotland the members of ATA launched an ambitious review of security that involves an in-depth look at six key elements: Screener qualifications, screener training, screener pay and benefits, new technology, management involvement in security and airline security testing programs. ATA subsequently asked outside consultants to bid on the development of a model training program for the industry, and we expect to award a contract shortly.

This kind of review, by the way, is not unique. The airlines continually reassess the nature of the threat they face and the effectiveness of their security programs. They take security seriously, and I think that is reflected in the record. In the 15 years since passenger screening began there has been only one U.S. hijacking of a major airliner involving a real firearm smuggled through the screening system. The U.S. airlines screened more than 1 billion people last year, four times the U.S. population, and the system detected some 3,000 firearms leading to the arrests of about 1,500 people. By FAA estimates, 118 hijackings have been prevented since passenger screening became mandatory.

In other words, the passenger screening system in place at U.S. airports today is working well. It is accomplishing what it was designed to do, which was to prevent hijackings.

However, meeting the new threat of international terrorism clearly requires new strategies—strategies calling for greater government involvement in airline security and greater focus on airports and airline operations overseas. Government must share the burden of security rather than push it off entirely on the airlines. It must help the airlines shore up their defenses. If we can get that kind of help, and if government can target its resources where the threat is greatest, I think we can go a long way toward shielding travelers against the scourge of terrorism in the years ahead.

Thank you for your attention.

March 8, 1989

PRELIMINARY ATA ESTIMATES
EXPLOSIVES DETECTION EQUIPMENT REQUIREMENTS
OF U.S. AIRLINES AT HIGH THREAT AIRPORTS IN
WESTERN EUROPE AND THE MIDDLE EAST

AIRPORTS		AIRLINES								EQUIPMENT	
		AA	CO	DL	NW	PA	PI	TW	UA	TNA	Vapor Detection
AMS	Amsterdam				X	X		X		2	6
ATH	Athens					X		X		1	4
BCN	Barcelona							X		1	2
BSL	Basel					X				1	2
TXL	Berlin					X		X		1	4
BOM	Bombay					X				1	2
BRU	Brussels	X				X		X		2	6
CAI	Cairo							X		1	2
CGN	Cologne/Bonn					X				1	2
CPH	Copenhagen				X			X		1	4
DUB	Dublin			X						1	2
DUS	Dusseldorf	X				X				1	4
FRA	Frankfurt*	X		X	X	X		X		5	10
GVA	Geneva	X				X		X		2	6
HAM	Hamburg	X		X		X		X		3	8
HEL	Helsinki					X				1	2
INN	Innsbrook					X				1	2
IST	Istanbul					X		X		1	4
KEL	Kiel					X				1	2
KHI	Karachi					X				1	2
LIS	Lisbon							X		1	2
LGW	London-Gatwick*	X	X	X	X		X	X		6	12
LHR	London-Heathrow*					X		X		2	4
MAD	Madrid	X						X		1	4
MHT	Manchester	X								1	2
MNL	Manila		X		X				X	2	6
MXP	Milan					X		X		1	4
MUC	Munich	X		X		X		X		2	8
DEL	New Delhi					X				1	2
NCE	Nice					X				1	2
NUE	Nuremberg					X				1	2
FBU	Oslo-Fornebu					X				1	2
GEN	Oslo-Gardermoen							X		1	2
CDG	Paris-DeGaulle					X		X		2	4
ORY	Paris-Orly	X	X	X						2	6
GLA	Prestwick				X					1	2
RUH	Riyadh					X				1	2
FCO	Rome*					X		X		2	4
SNN	Shannon			X						1	2
ARN	Stockholm					X		X		1	4
SXB	Strasbourg					X				1	2
STR	Stuttgart			X		X				1	4
TLV	Tel Aviv					X		X		1	4
VIE	Vienna					X		X		1	4
ZRH	Zurich	X				X		X		2	6
TOTALS	45	11	3	8	6	32	1	24	1	66	171

*High Volume Stations

PRELIMINARY ATA COST ESTIMATES

TNA (Thermal Neutron Analysis)
66 Units @ $750,000 (Quantity Purchase - 50+) $49,500,000

Vapor Detection (Chemiluminescence)
171 Units @ $100,000 (Quantity Purchase - 100+) $17,100,000

Total $66,600,000

AIRPORT ACCESS CONTROLS

Senator LAUTENBERG. Thank you. Each one of these statements in their entirety will be in the record. They are very valuable information.

I was, let me say, startled by some of the recommendations, Mr. Waddle.

We had a chance to talk a couple of weeks ago and I am glad to see you here and I know you run quite an airport. I have some reservations about your observation about the technology and about what its role might be and about airport access and things of that nature. I am also concerned about the extent of how, let us say, cost justification affects airport access controls.

I sense you dismissed improved airport access controls as being effective in the fight against terrorism. Once again, I am characterizing it only because I am trying to get it clearly in the picture. Do you dismiss that as one way of fighting terrorism?

Mr. WADDLE. No, Senator, I would not characterize access controls as ineffective in dealing with terrorism. I would make two points. I think airport access controls today are fairly effective, generally effective, and the second point I would make is that there are better ways to spend the millions of dollars that will be required for these access controls from the aviation trust fund probably. There are better ways to spend these moneys and on more sophisticated locks to keep the flightcrews from getting to their aircraft as quickly as possible.

Let me make this point. I have a law enforcement officer who is our chief of police at the airport, and this morning I asked him and he has a lot of experience with cipher controls and very secure devices that he became accustomed to using in his army experience and I asked him what the best possible access control was, and he said a lock and a key, he said, because the day we get involved in sophisticated computer applications and card controls, that gives every single one of those cardholders has to have the same intent on security that the airport manager does or that the FAA does.

In other words, for every 500 cards, if there are 500 issued, there are 500 ways to access the system that must be controlled. Sometimes the simplest solutions are the best, and that was his point, and I think I agree with him.

Senator LAUTENBERG. I can tell you, coming from the industrial world where in our case security was very important because we had a lot of records, New York Stock Exchange and personal records and millions and billions of digits worth of information, we had to protect those files. We had a responsibility to our clients. I ran a big company that now has over 20,000 employees.

We found that we had to go to an electronic system so that when we took someone off the payroll, the minute they put their card in there, they were no longer eligible to pass through the door. If you use a lock and key system, you have to keep a lot of locksmiths busy and also the time involved would be too long.

Mr. Lally, did you have the job that Mr. Salazar presently has with the FAA before your present position?

Mr. LALLY. Yes, sir; I did.

Senator LAUTENBERG. So, you had a fair amount of experience in security matters?

Mr. LALLY. Yes, sir.

Senator LAUTENBERG. But each of you talks about the effectiveness and not specifically focused on cost-effectiveness but the effectiveness of programs to deter sabotage or terrorism, and I differentiate because one suggests a mission attached to foreign policy and the other could be just someone really angry and mad.

PASSENGER SCREENING

We have impaired free flow of passengers and material by systems that we have installed over the years, metal detectors. Do they work, by the way? Are they any good?

Mr. WADDLE. Yes, sir.

Senator LAUTENBERG. It takes time. I remember how shocking it was to me as a passenger when I was used to running in at the last minute. I had to allow more time, 10 minutes instead of 1 minute to get to my flight.

Now, I hear lots of people say to security guards at the station: Oh, no we do not mind. If you want to check us through again, I will take off my raincoat. Here is my change. I am happy to have you do it. People genuinely are pleased to have that inspection, even though it may cause a little delay. Are we not kind of saying the same thing here, that it may, because of the new conditions that we may have to delay a little bit more time. I mean, when you think of the volume of people you have got to screen, at BWI you had 6 million passengers last year.

Mr. JACKSON. Yes, sir; we screened 6 million passengers.

Senator LAUTENBERG. Well, it does not take a lot of seconds to add up to a heck of a lot of time when you talk about the small number, relatively speaking, of 6 million.

I was the port authority commissioner in New York-New Jersey, and any one of our airports, you know, had more than 6 million movements a year. But that is a condition that we may have to deal with. And would it not satisfy each one of you if we could develop the technology that would have a person walk through?

I think we really do have to rethink passenger boarding. It is not just protection. I am not certain—and we will talk to the airlines about this—that we should not have more carry-on baggage so that there is positive identification. We may have to allow room in the aircraft to store that luggage because there is nothing more reassuring than to say OK, here it is. I mean, you see what handbags look like now.

I swear that sometimes I think there is an elephant in some of those bags, a baby elephant, but an elephant nevertheless. I mean, we may have to rethink the whole process. But if we whisk people through a TNA-type piece of equipment, you would all agree to install it. It is only money.

I do not want to be casual, but another buck a passenger or ticket could maybe pay for the whole thing. So, you would support that kind of thing. I think right now the reaction is going to be spend what it takes to do it because there is not one of you at that table, if you had a child or other family member traveling, you

would say that if we can save that person's life for $50 million a year or $100 million a year. It is my Government, spend the money, by God. So, I think we are a little bit past the cost justification period. We have got to find effective ways to do it, and I am not saying just throw money at it.

TNA EQUIPMENT

Mr. Lally, are you aware of any other government's development of the equivalent of TNA equipment?

Mr. LALLY. No, sir; I am not. I think the FAA deserves great praise for pursuing that research and development over a number of years to achieve that breakthrough. I am not aware of these same accomplishments on the part of any other government.

Senator LAUTENBERG. Because that patent belongs to a company here, we want to make it available as quickly as possible in a production mode. Now, your cost estimate varied substantially from the FAA's cost estimate.

Yesterday we were talking about $1 million per copy, and you said $49 million for 150 units. That is substantially less. Is that your judgment?

Mr. LALLY. Well, that is the judgment of the company that would supply it, but I might say that my estimate is based upon a fewer number of pieces of equipment than the FAA.

Senator LAUTENBERG. By about 100, I think. You said 151 or you said 66 TNA's, 171 vapors? I do not know how you get the vapor cost because that is still a little bit more distant from realization.

Mr. LALLY. We think there are other techniques that FAA ought to pursue. We do not think TNA is necessarily the ultimate answer, and we think that the application of TNA because of its size and because of other characteristics is limited. And so that there needs to be other technologies not to compete with TNA but to supplement TNA and provide a greater flexibility.

Senator LAUTENBERG. Can you, having come now with your double experience of representing air carriers and having worked with FAA, can you see that FAA has the authority to mandate foreign carriers' security processes without violating treaty obligations, et cetera? You did say that, did you not?

Mr. LALLY. Yes, sir; I did, and I believe that. The FAA issued a regulation, FAR Part 129.25 in 1975 which made the extraterritorial hurdle and did require foreign air carriers to have security programs for their flights to and from the United States. So that basic issue of sovereignty and extraterritorial application has been debated, and our Government made a decision.

What FAA has done today, as I understand it, is amended 129.25 to provide for explicit approval by the FAA Administrator, and that now gives——

Senator LAUTENBERG. Of security systems?

Mr. LALLY. Yes; and that gives the Administrator explicit authority, whereas I think I had the inherent authority all along. And this amendment to the rule, although we have not seen the final rule, if it is consistent with the notice that was proposed, it does not go far enough. It provides the machinery whereby the Government can require the same security measures of foreign air carri-

ers, but it is pursuing it in a rather routine method and does not have the same bite or the same precision with the security measures that would be required.

Senator LAUTENBERG. We will take a good look at that because if we can do it, I think we ought to do it. I do not think we ought to disadvantage American carriers because we are requiring more of them.

We thank you, and I will turn it over to Senator D'Amato.

Mr. LALLY. I would like to make one other observation that I neglected to mention, and that deals with the Warsaw Convention that was mentioned here several times, and that is that the U.S. airlines with the executive branch have been trying for an extended number of years to modify the Warsaw Convention to have a supplemental compensation plan that would assure swift and fair and full compensation for the victims of incidences like Pan Am 103.

And I would like to volunteer on behalf of ATA that we could provide some information for the record of this hearing that might be of assistance and interest to you.

Senator LAUTENBERG. We would be happy to have it.

[The information follows:]

PAN AMERICAN FLIGHT 103

All passengers on Pan American Flight 103 were traveling to a point in the United States, or had a stopping point in the United States. Accordingly, their journeys were subject to an inter-airline agreement (the "Montreal Agreement") adopted in 1966 in accordance with the Warsaw Convention of 1929.

Under the Montreal Agreement the airline is liable without regard to fault up to $75,000. To exceed that amount a claimant would have to prove "willful misconduct, an uncertain, costly and time consuming undertaking, often 4 or 5 years, or prove that a proper ticket was not delivered by the airline.

Under Montreal Protocol 3, pending before the Senate for advice and consent to ratification, and the Supplemental Compensation Plan accompanying it, claimants could recover unlimited economic damages without the need of proving fault and, in most cases, could expect settlement within six months to a year following the filing of a claim.

A review of the various international legal regimes applicable in the case of passenger claims, summarized in the attachment, reveals the many advantages to claimants of the new regime (i.e., Montreal Protocol 3 and the accompanying Supplemental Compensation Plan).

INTERNATIONAL PASSENGER LIABILITY REGIMES

The International Passenger Treaty now pending the Senate's advice and consent to ratification, known as Montreal Protocol 3, is properly called the Warsaw Convention, as amended by the Hague Protocol, as amended by the Guatemala Protocol, as amended by Montreal Protocol 3.

- The Warsaw Convention of 1929,[1] *adhered to by the United States since 1934,*
  - —establishes a presumption of liability on the part of the airline which the airline can rebut by a showing that it took all necessary measures to avoid the damage, or that it was impossible to take such measures.
  - —limits the liability of the airline to $10,000 unless claimants can prove that the damage resulted from the "willful misconduct" of the airline (a long and expensive proceeding with the outcome uncertain), or that the airline failed to deliver a proper ticket.

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[1] One hundred thirty-one nations are Parties to the Warsaw Convention, including the United States.

- The Hague Protocol of 1955 amending the Warsaw Convention,[2] *never ratified by the United States*, increased the limit of airline liability to $20,000, but is otherwise essentially the same as the original Warsaw Convention.
- The Montreal Agreement of 1966, is an agreement among those airlines providing service to or from the United States or with a stopping point in the United States. Under that Agreement
  - —the airlines waive the defenses available under the Warsaw Convention (i.e., the airlines have accepted liability without fault) up to a limit of $75,000.
  - —to exceed $75,000 a claimant must prove "willful misconduct" (a long and expensive proceeding with the outcome uncertain) or demonstrate that the airline failed to deliver a proper ticket.
- Montreal Protocol 3 of 1975 [3] (not yet in force) which adopted the substantive provisions of the Guatemala Protocol of 1971 but changed the unit of account from the Poincaré Gold Franc to Special Drawing Rights ("SDR's")
  - —makes the airline absolutely liable, even if the accident were caused by an act of war or a terrorist attack.
  - —establishes an unbreakable limit of 100,000 SDR's (approximately $135,000) on airline liability.
  - —provides for periodic increases in that limit.
  - —contains a "settlement inducement clause" subjecting the airline to payment of court costs, including attorney fees, if it fails to make an offer of settlement within six months of receipt of the claim which is at least equal to what is ultimately awarded if the case goes to trial.
  - —provides for operation of a Supplemental Compensation Plan within the territory of any Party to the Convention electing to have such a Plan.
  - —permits suits against an airline in the claimant's domicile if the airline has an ordinary place of business within the territory of the Party to the treaty in which the Supplemental Plan is operated. (E.g., claimant's domicile is New York, the airline has a ticket office in California but no establishment of any kind in New York, claimant may sue that airline in New York even if the accident occurred in, say, Poland.)
- A satisfactory Supplemental Compensation Plan funded by a surcharge on tickets for international air transportation sold in the United States and departing the United States, is the *sine quo non* to ratification of Montreal Protocol 3 by the United States. The Draft Plan accompanying Montreal Protocol 3
  - —permits suits against the Plan in any Federal Court in the United States or other court of competent jurisdiction, for unlimited economic damages in excess of those paid by the airline without the need of proving fault (i.e, the Plan is *absolutely* liable to the claimant).
  - —contains a settlement inducement clause comparable to that applicable to the airline under the Protocol, thus assuring speedy recovery in most cases.
  - —permits recourse against the Plan by American citizens even thought no surcharge was collected (e.g., in the case of a ticket sold in Paris for a trip to Rome on which no surcharge would be collected).

FACT SHEET

Montreal Protocols

Ratification of the Montreal Protocols would modernize and update The Convention for the Unification of Certain Rules Relating to International Transportation by Air. That Convention, formulated in 1929, and commonly known as the Warsaw Convention is currently subscribed to by 131 countries including the United States.

WARSAW CONVENTION

1) Establishes a presumption of liability on the part of the carrier, but limits that liability to $10,000.

2) Provides that the carrier can rebut the presumption of liability by showing:
   a) that all necessary measures were taken to avoid the damage, or
   b) that it was impossible to take such measures.

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[2] One hundred sixteen nations are Parties to Warsaw as amended by Hague; the United States is *not* a Party to the amended Convention.

[3] Sixteen nations have ratified Montreal Protocol 3; the United States has not yet done so.

3) Provides that the $10,000 cap on damages can be breached if claimants can prove:

a) that damages resulted from willful misconduct, or

b) that the carrier failed to deliver a proper ticket.

WARSAW REVISIONS

The United States is presently a party to only the Warsaw Convention itself; it is not a party to any of the subsequent protocols (Hague, 1955; Guatemala City, 1971) which were revisions of the Warsaw Convention.

MONTREAL AGREEMENT

The "Montreal Agreement" (not to be confused with the Montreal Protocols) is a special inter-carrier arrangement to which principal U.S. air carriers and foreign air carriers serving the U.S. have agreed. That agreement was concluded in May of 1966, approved by the CAB (CAB Agreement 18900, approved by order E-23680). The Montreal Agreement:

1) Provides that carriers agree to waive their defenses under the Warsaw Convention—those defenses being that all necessary measures were taken, or that it was impossible to take measures to avoid damages.

2) Establishes a liability limit for death or injury of up to $75,000, which can be exceeded only by proving willful misconduct.

MONTREAL PROTOCOLS

The Montreal Protocols are proposed revisions to the Warsaw Convention, negotiated at the 1975 Montreal Diplomatic Conference, which have been approved by the Ford, Carter, and Reagan Administrations, but never ratified by the U.S. Senate. The Protocols were consider on the Senate floor in 1983. The final vote on ratification was 50–48, falling short of the two-thirds needed for ratification. The Montreal Protocols:

1) Establish an unbreakable liability limit in the case of passenger injury or death of 100,000 Special Drawing Rights (SDR's), approximately $135,000.

2) Make carriers absolutely liable for damages resulting from death or injury taking place on board an aircraft.

3) Provide a settlement inducement clause which subjects airlines to payment of attorneys' fees and court costs if the carrier fails to make an offer to settle which is at least equal to the amount which is ultimately awarded if the case goes to trial. Any such offer must be made within six months of receipt of the claim

4) Permit suits against a carrier in the claimant passenger's domicile if the carrier has an ordinary place of business anywhere within the passengers domicile country. (This provision adds a new basis for court jurisdiction to those provided by the Warsaw Convention: the country in which the carrier is domiciled; the country which is the carrier's principal place of business, the country in which the ticket was purchased; and the country of destination).

5) Provide that each participating nation has the right to establish a supplemental compensation plan to operate within its territory, provided that such plan:

a) does not in any circumstance impose upon the carrier any liability in addition to the liability imposed under the Convention,

b) does not impose upon the carrier any financial or administrative burden other than collecting contributions from passengers,

c) does not discriminate between carriers with regard to benefits to claimant passengers, and

d) permits any passenger who has contributed to the system to be entitled to the benefits of the system.

SUPPLEMENTAL COMPENSATION PLAN

Past legislative consideration of the Montreal Protocols clearly indicates that the inclusion of a supplemental compensation plan has been, and will continue to be a condition of ratification. Past Administrations have supported the inclusion of such a plan, and a proposed supplemental compensation plan providing $200,000 of coverage per individual was advanced by the Administration during the 1983 ratification debate in the Senate.

The Reagan Administration submitted a revised "Draft Supplemental Plan" to the Senate in June of 1988 which eliminated the $200,000 per person cap on recovery and made other lesser adjustments to past supplemental plan drafts. That plan,

although still truly a "draft", is the basic operative document from which any final supplemental plan will be derived. That Draft Supplemental Plan:

1) Provides for the selection of a Contractor(s) for purposes of administering the Plan and assuming liability in excess of the air carrier limit of 100,000 SDR's. The Plan is to be funded by a surcharge collected in the United States. All surcharges collected from passengers will be remitted to the Contractor(s) by the airlines.

2) Provides coverage for all passengers from whom a surcharge is, or should have been, collected and for citizens and permanent residents of the United States purchasing tickets abroad even though no surcharge is collected.

3) Provides for payment of provable economic damages up to $500 million per aircraft per incident once the carrier has paid or been adjudicated liable for damages of the treaty limit of 100,000 SDR's. Economic damages are defined as losses for past or future (a) expenses of health or other care, expenses of rehabilitation, (c) loss of earnings, (d) loss of homemaker services, or (e) burial expenses. The plan does not provide for the recovery of non-economic or punitive damages.

4) Provides for recovery of compensatory damages other than economic in suits brought in foreign courts of competent jurisdiction if such courts recognize damages other than economic damages. Does not, however, permit the recovery of punitive damages.

5) Provides a settlement inducement clause which requires the insurance contractor to make a settlement offer within thirty days following receipt of a claim. If such offer is not at least two-thirds of the amounts of damages ultimately awarded through any court settlement, the contractor shall be liable for court costs including attorneys' fees No more than 20% of any settlement can go for attorneys' fees.

6) Provides for the level of the supplemental compensation plan surcharge to be determined through negotiations with parties to the agreement, those parties being the air carriers and the selected insurance company. Current industry estimates of that surcharge are $2 to $3.

Although it should be anticipated that either the Senate, the Administration, or both will make changes in the Draft Supplemental Compensation Plan, it should also be assumed that the Protocols will only be ratified on the condition that a supplemental compensation plan with some form of unlimited recovery is included in the ratification package.

LETTER FROM GÜNTER O. ESER, DIRECTOR GENERAL, INTERNATIONAL AIR TRANSPORT ASSOCIATION

9 SEPTEMBER 1988

The Honorable Claiborne Pell
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C. 20510

DEAR MR. CHAIRMAN: The United States Senate has before it a request from Secretary of Transportation Jim Burnley that the Senate renew active consideration of Montreal Protocols 3 and 4 to the 1929 Warsaw Convention. The Member airlines of the International Air Transport Association ("IATA"), which represents the vast majority of the world's scheduled airlines, strongly support the Secretary's request.

As recent events have so tragically demonstrated, the international air transportation system is not always immune from the dangers of the world in which we live. The modern international treaties that govern air transportation, which include the Montreal Protocols to the Warsaw Convention, can and will continue to provide important benefits and protections to the travelling public. The Protocols would expand the jurisdiction of national courts, make air carriers strictly liable for injury and death to passengers, encourage speedy settlement of claims without recourse to protracted and costly litigation, establish higher carrier limits of liability and authorize a supplemental compensation plan to keep up with higher standards of recovery in more developed countries, such as the United States. These are important contributions to the international aviation system and the travelling public.

Secretary Burnley, in keeping with the spirit of leadership the United States has historically demonstrated in international aviation matters, has recognized the deficiencies in the current Warsaw system and has submitted a new proposal for advice and consent to ratification of the Protocols. This new proposal addresses the Senate's earlier concerns on the limits of the supplemental compensation plan to be adopted by the United States. On behalf of the world's scheduled airlines, I urge you

to consider favorably the Secretary's request for prompt Senate action on the Protocols.

Yours sincerely,

GÜNTER O. ESER.

LETTER FROM GABRIEL PHILLIPS, EXECUTIVE VICE PRESIDENT, AIR TRANSPORT ASSOCIATION OF AMERICA

SEPTEMBER 14, 1988.

Honorable Claiborne Pell
Chairman, Committee on Foreign Relations, United States Senate, 446 Dirksen Senate Office Building, Washington, D.C. 20510

DEAR MR. CHAIRMAN: In recent weeks, both the Departments of Transportation and State have requested the Senate to renew active consideration of the Montreal Protocols amending the Warsaw Convention. The members of the Air Transport Association strongly support these requests and urge the Foreign Relations Committee to move forward with consideration of them as promptly as its calendar will permit.

The Warsaw system has provided an international regime governing airline liability in passenger, baggage and cargo cases for almost 60 years. It is important to the airlines of the United States engaged in international air transportation, and particularly to their passengers and shippers, that the United States remain in the system. Without the Warsaw system, both American claimants and airlines would be left to the vicissitudes of often conflicting national laws throughout the world.

There is general acknowledgment that the Convention has contributed to uniformity. However, the extremely low ($10,000) limit on recovery in passenger death or injury cases, the Convention's failure to encourage settlements and the protracted, expensive litigation often involved, have led private and governmental parties, including the United States Supreme Court, to observe that revisions are long overdue. In addition, the failure of American tourists purchasing side trips while overseas, and American citizens (including government and military personnel) living abroad and traveling between foreign countries in the course of their employment, to have their claims heard by an American court has underscored the need for making changes in the Convention.

In negotiating the Protocols, the United States Government insisted that each of these concerns be addressed by the nations of the world, many of which were reluctant to do so. The United States also insisted that the Protocol contain express recognition of the right of each signatory party to operate a supplemental compensation plan within its own territory. Moreover, the U.S. representatives made it clear to their negotiating partners and to the international airlines serving the United States, that the United States would not ratify the Protocol absent a supplemental plan meeting U.S. criteria. Secretary of Transportation Burnley's letter to the Senate enclosed a draft of such a plan.

As a result of vigorous efforts of the United States Government, Montreal Protocol 3, together with the Draft Supplemental Plan, addresses the long-standing and justified criticisms of the Convention and, if ratified, will increase the benefits to American claimants many times over. Specifically the new system:

(1) imposes absolute liability on the airline regardless of the cause of an accident, even if it is a result of wartime hostilities or the action of terrorists:
(2) allows full recovery of all economic damages:
(3) subjects the airline and the Plan to the additional payment of courts costs, including attorney fees, if a timely and adequate offer of settlement is not made by each; and
(4) permits actions to be brought in the claimant's domicile if the airline has an ordinary place of business in the territory of that signatory Party.

When the Protocols were last considered by the Senate, the supplemental recovery was limited to $200,000. The principal objection to giving advice and consent was that the overall recovery from the airline and the Plan (about $325,000) was not adequate for American citizens. We believe that the new Plan is responsive to that concern. We would hope that consideration of the Protocol and Plan could proceed expeditiously and that advice and consent to ratification can be given as soon as possible. Prompt U.S. ratification will ensure that the benefits of these long awaited treaty amendments are available to the world's travelling and shipping public next year.

The Air Transport Association will be pleased to provide any information or explanations that you and other members of the Committee may desire.

Sincerely,

GABRIEL PHILLIPS,
Executive Vice President.

LETTER FROM JOHN S. FREDERICKSEN, EXECUTIVE VICE PRESIDENT, REGIONAL AIRLINE ASSOCIATION

OCTOBER 19, 1988.

The Honorable CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C. 20510

DEAR SENATOR PELL: The Regional Airline Association represents the nation's short haul scheduled airlines. About a dozen of our member airlines operate international routes, primarily to Mexico, Canada and the Caribbean. Many other member carriers are involved in the carriage of international passengers through code-sharing agreements with major airlines.

We support ratification of the Montreal Protocols, so that the inequities in the present Warsaw system may be corrected. We are encouraged that you have agreed to hold hearings on this matter early next year, in the hope that the excellent work done by the Department of Transportation will bear fruit.

We appreciate your consideration of our views.

Sincerely,

JOHN S. FREDERICKSEN,
Executive Vice President.

Senator LAUTENBERG. We thank you, and I will turn it over to Senator D'Amato, but we do want to be able to submit questions to you if we have any, and we would ask for a prompt response. Thank you very much.

Senator D'AMATO. Mr. Chairman, I have no questions, but I would like to make an observation.

It seems to me that—and I do not know if we have any representatives of the FAA here now or the Department of Transportation—but there is certainly need to coordinate the rulemaking, their security undertakings with those of the air carriers and airport operators.

All too often we on the legislative side start passing legislation without consulting and dealing with reality, the reality of whether it is the commercial world, the airline carriers, the securities industry, whatever that area of regulation is and legislation is. And I think that we have heard testimony today that gives vivid and ample demonstration of what takes place when there is that lack of a sharing of information so that the undertaking can be a more meaningful one.

I, for one, am rather concerned when three different witnesses who are expert, all of you in your areas, give testimony that would indicate that there may be substantial sums of money that are spent that could be more wisely and prudently dedicated to the proposition of reducing incidents of terrorist attacks and those which we are all concerned about.

I would hope that we could capsule the poignant points of your testimony, and I would think that we might play a very constructive role by seeing to it that the new administration, and it is a new administration, and the new Secretary of Transportation and the new people at the FAA would have the opportunity to sit with you and to counsel with you as to how they could be more effective

in their undertaking. And so, let me just ask this. Have you recently, within the past month or so, had an opportunity to seek a meeting so that you could address some of the concerns which you have expressed to us today to the new Secretary of Transportation or to the people who are coming into the FAA?

Mr. WADDLE. Senator D'Amato, we have not had that opportunity. About 2 weeks ago our association sponsored a conference in Washington attended by 250 airports around the country. The conference, quite frankly, broke up in great confusion as to what the rules were. Information had not yet been published, certain information was not known.

Our position, if I might just comment further, is that we have no disagreement with Senator Lautenberg's suggestion that more sophisticated detection equipment, passenger screening equipment, luggage screening equipment and so forth is a good investment. We agree with that wholeheartedly and we suggest that that is where we need to spend the money and that access controls as published in the Federal rules today should not apply equally for JFK on the one hand and Owensboro, KY, on the other.

Senator LAUTENBERG. You have registered that in your comments directly to FAA?

Senator D'AMATO. Well, if any of the other witnesses care to comment, have you had an opportunity, you and your associations, within recent time and recognizing there is a new administration, and they are still in the process of putting together the various deputies and administrators within that administration, have you had occasion to bring these concerns and share them with the new Secretary and/or his people?

Mr. LALLY. From an airline standpoint, we have enjoyed a very cooperative and constructive relationship with FAA over the years and we treasure that relationship.

Senator D'AMATO. Lally, stop being a politician. Answer the question. Have you sat down—I am going to give you the good old-fashioned New York way now, OK? Have you sat down with the new administration to express to them the concerns that you did now, to this committee?

Mr. LALLY. We have made the effort to. We have written to Secretary Skinner, as we did——

Senator D'AMATO. So you have not sat down with anybody yet?

Mr. LALLY. But Secretary Skinner, I might say, did visit the chief executive officers of the airlines last week. He was present at the board meeting of the Air Transport Association.

Senator D'AMATO. You are really dancing around, are you not? You were so good in your testimony, and now you are——

Mr. LALLY. Well, I do not mean to be dancing around.

Senator D'AMATO. Sure you do. Absolutely you do, come on. You are practiced and skilled at this. I am not giving you a tough time. I am complimenting you. But you are dancing around. Have you sat down with anybody, with the deputies over there or anybody in a position of responsibility and addressed some of the concerns in the manner in which you have to this committee?

Because if you have not, it would seem to me we should take that opportunity and if the committee could be of some help in saying listen, let us sit down and take a look in a reasonable way

and not the light of day so that people are going to be embarrassed and you can address some of those concerns. Do you think they are going to read your letter and it is going to mean anything? They might read your lips, maybe.

Mr. LALLY. I have not personally, but we have made the request to do so.

Senator D'AMATO. Do you think it would be a good idea that maybe the three groups got together and sat down and you have a commonality of interest here? What do you think?

Mr. LALLY. Yes, sir; the three groups do work together very well.

Mr. WADDLE. That is correct, sir.

Senator D'AMATO. All of you are dancing, now. You take me as an adversary. I am trying to help you.

Mr. JACKSON. Senator, there are more groups than are represented here today that are on board with this particular program and we have discussed it with up to and including Mr. Salazar's level concerning the control access. We believe that it is an excellent system. It is a management tool.

It does help in security, but it is primarily a management tool to control your access out from your buildings onto the air operations area and joining with the three of us are representation from the Airline Pilots Association, Regional Air Carriers Airline Association, as well as the civilian pilots, who all agree that the system, though it is good, should not be rushed into until such time as many questions are answered which have not today been answered.

Senator D'AMATO. It would seem to me that you have two situations which are really tied into one, and that is security. How do you best achieve the maximum with limited resources?

I have heard from the three of you independently now that you think a better job can be done as it relates to the implementation of the program than has been suggested, that there are alternatives and that those alternatives in some cases are quite different and even affect quite differing locations out of the country, et cetera. I would tend to agree with you, given your presentation.

What I am simply suggesting is how do you then, it would appear to me, Mr. Chairman, we should attempt to facilitate the kind of meeting that would give you an opportunity to discuss that. Because if you think the Secretary of Transportation has been briefed on this to the extent that I think he would like to, I do not believe it. I do not know from my own knowledge, but I would be greatly surprised.

He is just coming into office, having had a whole host of matters to deal with. It would seem to me—putting together his team—that this is something that you should renew your interest with. If I have offended your professional sensitivities I certainly did not mean to do that. I meant to say that we would like to take advantage of the expertise and the testimony that you have shared with us and try to help you in the pursuit of what your goals are and what our goals are.

Mr. LALLY. We welcome your help.

Senator LAUTENBERG. We thank you very much, gentlemen, and thank you, Senator.

PANEL III—FLIGHT CREW MEMBERS

INDEPENDENT UNION OF FLIGHT ATTENDANTS

STATEMENT OF BRIAN K. MOREAU, VICE PRESIDENT

Senator LAUTENBERG. Now I invite the panel of flight crew members. If you would please identify yourselves. We will start with you. I think all of you, it is fair to say, represent flying personnel varying from cabin crews to cockpit crews, and we would ask each one of you to identify your association as you speak.

Mr. MOREAU. Good afternoon, ladies and gentlemen. My name is Brian Moreau. I am the vice president of the Independent Union of Flight Attendants, representing the flight attendants in the employ of Pan American World Airways, Pan Am Shuttle, and Pan Am Express. The 13 flight attendants who died on December 21 on board Clipper 103 were members of IUFA.

Mr. Chairman, we thank you for the opportunity to state our concerns and make our recommendations pertaining to the security in the aviation industry.

I must report today that the terrorists have succeeded. Our members have been terrorized. At one level, it is understood that the chances of a 103 happening again are infinitesimally small. Yet that is little consolation to the grief we feel from the loss of our 13 friends and coworkers. There is no escape from the fear that it may happen again.

The busy summer travel season will soon be upon us. Have we done everything we can to protect ourselves? Most flight attendants understand that not all terrorists can be stopped, but the previous pat response to our concerns—that the number of deaths per passengers flown does not justify added cause for security—is simply no longer applicable.

The downing of the 103 has raised some profound issues, many of which we are unprepared to debate, but we hold some definite opinions and will make some specific recommendations.

Our first area of concern is that of regulation and oversight. Each American carrier sets its own security program following FAA guidelines. The FAA approves a program, oversees its implementation, and monitors the carrier's compliance at home and abroad.

Within that framework, carriers are given a wide latitude as to how to comply with broad-based regulations. That means one FAA regulation may be interpreted with different meanings at different carriers. We, therefore, ask that the FAA standardize security programs for all U.S. carriers.

We recommend that the FAA require and set standards for background checks on new employees with security-sensitive duties. Even so, the varying laws and regulations of foreign countries make worldwide standards a near impossibility. Pan Am, a major international carrier, must hire hundreds of employees abroad.

For example, foreign national flight attendants who never fly into the United States are based in locations as diverse as Bombay, New Delhi, Nairobi, and Istanbul. We do not know what, if any,

background checks were made on these locally hired employees, yet they have been trained in Pan Am security procedures.

We ask that the FAA ensure adequate training and competence of those assigned to security-related jobs. Air carriers have cut operating costs through reductions in labor costs. That means that the individuals most directly responsible for passenger security, the airport guards and the x-ray machine operators, are most likely being paid near minimum wage. That translates to a fast turnover rate, which in turn requires additional training and supervision.

We recommend that all security precautions required of American carriers also be required of foreign carriers operating into the United States. We applaud the rulemaking as announced by Secretary Skinner here today as a step in the right direction.

We have specific recommendations in the area of technology. Barring a political solution, all hope of stopping individual acts of terrorism rests with a technology one step ahead of the terrorists. Money must be spent on the science and the research required to deliver that technology.

A compelling need exists for the x-ray units capable of detecting explosive materials with low atomic weights, such as plastic explosives. The FAA's thermal neutron analysis unit [TNA] is also an existing option. However, these units may be cost prohibitive for some airlines.

But some actions must be taken. Normal x rays will not detect plastic explosives and a visual inspection is often futile. What visual inspection could have detected the presence of the explosive on Pan Am 103? But these discussions invariably initiate discussions of cost versus benefit, and who will pay? I will return to that a little later.

The next vital area of concern is information. Several different Government agencies are charged with gathering, assessing and disseminating vital information regarding threats to commercial aviation. There must be one conduit for information by which the end user, the air carrier, receives in a timely manner all of the information needed to act.

It is imperative that all agencies utilize a common language and procedure. This information, once collected and evaluated, must reach the people with direct line responsibility for the safety of the aircraft—the cockpit, the cabin crew, ground handling agents, and security personnel. Flight attendants must be informed of a direct or indirect threat received by the carrier from an appropriate Government agency pertaining to the operations of that air carrier.

At Pan Am, the system of notifications to flight attendants broke down prior to the 103. There was no notification of any security alert that might pertain to that flight. Since the 103 downing, procedures have been changed. A security briefing system has now been instituted to ensure that flight attendants have a timely access to all pertinent security information.

Next, foreign policy. We respectfully demand that the Congress and the President take a firm, proactive stance against state-sponsored terrorism. This requires that every effort be made to find those responsible for the destruction of the 103 and be brought swiftly to justice.

The State Department must continue to work with foreign governments to assure that American carriers have the ability to effectively implement their security programs. For example, in December the FAA ordered several emergency steps to be taken by carriers operating in Europe. Some of these items were simply not doable, in part because foreign governments precluded the implementation of certain procedures. Individual carriers should not be required to negotiate with foreign governments over the security of U.S. citizens.

Senator LAUTENBERG. We will have to unfortunately stop it there. I know that you have other things, Mr. Moreau, to say. We will have your full text—I have it here—in the record and we appreciate your testifying.

[The statement follows:]

STATEMENT OF BRIAN K. MOREAU

Good afternoon, ladies and gentlemen, my name is Brian Moreau. I am the vice president of the Independent Union of Flight Attendants, representing the Flight Attendants in the employ of Pan American World Airways, Pan Am Shuttle, and Pan Am Express. The 13 Flight Attendants who died December 21st on board Clipper 103 were members of IUFA.

Mr. Chairman, we thank you for the opportunity to state our concerns and make our recommendations pertaining to security in the aviation industry.

I must report today that the terrorists have succeeded. Our members have been terrorized. At one level, it is understood that the chances of a 103 happening again are infinitesimally small. Yet that is little consolation to the grief we feel from the loss of our 13 friends and co-workers. There is no escape from the fear that it may happen again.

The busy summer travel season will soon be upon us. Are we prepared? Have we done all we can to protect ourselves? Most Flight Attendants understand that not all terrorists can be stopped. But the previous pat response to our concerns, that the number of deaths per passenger flown does not justify added cost for security—is simply no longer acceptable.

The downing of the 103 has raised some profound issues, many of which we are unprepared to debate. But we hold some definite opinions, and will make some specific recommendations

Our first area of concern is that of *REGULATION AND OVERSIGHT*:

Each American carrier sets its own security program, following FAA guidelines. The FAA approves the program, oversees its implementation and monitors the carrier's compliance at home and abroad. Within that framework, carriers are given wide latitude as to how to comply with broad-based regulations. That means one FAA regulation may be interpreted with different meanings at different carriers. We therefore ask that the FAA standardize security programs for all U.S. carriers.

We recommend that the FAA require and set standards for background checks on new employees with security sensitive duties. Even so, the varying laws and regulations of foreign countries make worldwide standards a near impossibility.

Pan Am, a major international carrier, must hire hundreds of employees abroad. For example, foreign national flight attendants who never fly into the U.S. are based in locations as diverse as Bombay, New Delhi, Nairobi and Istanbul. We do not know what, if any, background checks were made on these employees, yet they have been trained in Pan Am's security procedures.

We ask that the FAA ensure adequate training and competence of those assigned to security related jobs. Air carriers have cut operating costs through reductions in labor costs. That means that the individuals most directly responsible for passenger security—the airport guards and the x-ray machine operators, are most likely being paid near minimum wage. That translates to a fast turnover rate, which in turn requires additional training and supervision.

We recommend that all security precautions required of American carriers also be required of foreign carriers operating into the United States. Must we wait until another aircraft is blown out of the sky before we take *every* precaution?

We have specific recommendations in the area of *TECHNOLOGY*:

Barring a political solution, all hope of stopping individual acts of terrorism rests with a technology one step ahead of the terrorist. Money must be spent on the science and research required to deliver that technology.

A compelling need exists for x-ray units capable of detecting explosive material with low atomic weights such as plastic explosives. The FAA's Thermal Neutron Analysis (TNA) unit is also an existing option. However, these units are cost prohibitive for most airlines.

But some action must be taken. Normal x-rays will not detect plastic explosives, and a visual inspection is often futile. What visual inspection could have detected the presence of the explosive material on PA 103?

But these discussions invariably initiate discussions of costs versus benefits and who will pay. I will return to that issue later.

The next vital area of concern is *INFORMATION:*

Several different government agencies are charged with gathering, assessing, and disseminating vital information regarding threats to commercial aviation. There must be one conduit for information by which the end user—the air carrier, receives in a timely manner all the information needed to act. It is imperative that all agencies utilize a common language and procedure.

The information, once collected and evaluated, must reach the people with direct line responsibility for the safety of the aircraft; the cockpit, cabin crew, ground handling agents and security personnel.

Flight Attendants must be informed of any direct or indirect threat received by the carrier from an appropriate government agency pertaining to the operations of that air carrier.

At Pan Am, the system of notification to Flight Attendants broke down prior to the 103. There was no notification of any security alert that might pertain to that flight. since the 103 downing, procedures have been changed. A security briefing system has not been instituted to ensure that Flight Attendants have timely access to all pertinent security information.

We move next to the area of *FOREIGN POLICY:*

We respectfully demand that the President and Congress take a firm, proactive stance against state-sponsored terrorism. This requires that every effort be made to find those responsible for the destruction of 103 and that when found, that they are brought swiftly to justice

We believe the U.S. must maintain a continuing dialogue and daily working relationship with the International Civil Aviation Organization (ICAO). Terrorism is a global problem that requires a global solution.

The State Department must continue to work with foreign governments to ensure American carriers the ability to effecitvely implement their security programs. For example, in December, the FAA ordered several emergency steps to be taken by carries operating in Europe. Some of these items were simply not "do-able;" in part because foreign governments precluded the implementation of certain procedures. Individual carriers should not be required to negotiate with foreign governments over the security of U.S. citizens.

Finally, there is need for *LEGISLATION:*

We ask Congress to appropriate the money needed to fund improvements in the U.S. security system. We recommend that the Aviation Trust Fund be investigated as a possible source of the needed funds.

We reject the call that individual carriers must pay the costs associated with protecting U.S. citizens from acts of war. That is the primary responsibility of government. And state-sponsored terrorism must surely be considered an act of war.

We ask this Committee to support so called "Whistle Blower Legislation." Pan Am and other carriers have in the past disciplined Flight Attendants and Union Reps who reported safety violations to the FAA. The courts have upheld those actions.

We ask Congress to create a multi-disciplined task force, reporting to a Congressional sub-committee charged with the oversight of all facets of aviation security—including international counter terrorism.

In closing, ladies and gentlemen, the brutal pre-meditated murder of 270 human beings and the traumatization of an entire work force dictates that we must determine why the existing system failed; we must admit to and learn from our mistakes. Finally, we must work together, utilizing all available resources to ensure a renewed confidence in aviation and in our government's ability to protect its citizens.

Thank you.

ASSOCIATION OF FLIGHT ATTENDANTS

STATEMENT OF JULIETTE LENOIR, VICE PRESIDENT

ACCOMPANIED BY MATTHEW H. FINUCANE, DIRECTOR, AIR SAFETY AND HEALTH

Senator LAUTENBERG. Next, we would ask—is it Ms. Lenoir?

Ms. LENOIR. Yes, it is.

Along with me is Matthew Finucane, who is the Director of Air Safety and will answer any technical questions you ask us.

Chairman Lautenberg and members of the subcommittee, we welcome this opportunity to testify in support of more stringent security measures that we believe are needed here and abroad to protect the lives of American citizens.

The Association of Flight Attendants represents 24,000 flight attendants at 18 carriers nationwide who must deal with flight security on a daily basis. We are the last line of defense in the event of hijackings, bomb threats, and other terrorist or violent acts.

We believe flight attendants should be informed of threats that may jeopardize the safety and security of their flight. Although FAA regulations set guidelines for carriers to follow in the event of security threats made against a specified carrier and flight number, the FAA leaves crucial security decisions to the discretion of the airline when a threat is nonspecific, as in the case of Pan Am 103.

This undermines the purpose of the Ground Security Coordinator Inflight Security Coordinator program, which is designed to get important security information to the crewmembers.

The FAA should develop a uniform protocol under which flight attendants will be alerted of a possible terrorist attempt. Upon receipt of this information the flight attendants can be particularly vigilant in their assessment of passenger behavior, carry-on baggage, bags left on board through termination stations, and ramp activity.

Should passengers be informed of a security threat? While we do not approve of the Government selectively informing groups of privileged passengers as happened in the Pan Am case, we would prefer that the Government concentrate on making our planes more secure rather than informing passengers of difficult-to-interpret security threats.

In order to make air travel more secure than it is today, we recommend the following changes. Flight attendant security training must be improved. This training often consists of outdated, unrealistic, and repetitive video tapes with little emphasis on terrorism. In addition, these courses rarely involve interaction with an instructor. Having a qualified instructor there who can answer questions would add significantly to the effectiveness of training.

The FAA should require a full complement of flight attendants on board an aircraft while at the gate at intermediate stops. The regulations presently allow for a reduction in the number of flight attendants during these periods. This could play into the hands of terrorists, hijackers, and disturbed individuals.

The FAA should ensure that security screeners are motivated and adequately trained, given their responsibility to the traveling

public. Security screeners are missing too many weapons, as recent FAA fines demonstrate.

In one case reported by the Government Accounting Office the screener did not identify a test weapon even though the screener had previously picked it up and visually inspected it. Training records revealed that the screener had, in fact, seen this particular test weapon during training. GAO has also found up to 100 percent annual turnover in the work force at some airports due to poor working conditions and wages.

The FAA should expedite the procurement of thermal neutron analysis detection devices and other sophisticated technologies that detect plastics. We find little comfort in knowing that in 2 years, only six TNA devices will be in place.

The FAA should promote the ontime implementation of computer card access systems which can cancel unauthorized cards. The agency should not fall prey to carriers' requests for extensions based on cost concerns.

We also urge Congress, through closed-door hearings if necessary, to reevaluate the current disparity between security here at home and security overseas. Are we really, here, so safe from terrorists? What about the estranged spouse who wants to blow up a plane to collect insurance? Has the FAA considered a passenger baggage match program and x-ray analysis of all checked baggage, at least at all category X airports, here in the United States?

We often hear aviation security professionals say, it is just a matter of time before the United States is confronted with terrorism on its own soil. We were disturbed by the story of a purported Japanese Red Army terrorist who allegedly used a false passport to enter our country and remained for a month acquiring the raw materials necessary to construct bombs.

According to news accounts, the alleged terrorist might have succeeded in his grisly task had it not been for a policeman who apprehended him for a minor violation and found three high-explosive bombs in his automobile.

Let us not kid ourselves about what could happen here in the United States. Perhaps if we bit the bullet and instituted stricter security measures now, we would not be forced to implement El Al-type security in the United States after a domestic flight is tragically blown up.

We appreciate this opportunity to express our concerns, and Mr. Finucane and I would be very happy to answer any questions you might have.

[The statement follows:]

STATEMENT OF SUSAN BIANCHI-SAND, NATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS, AFL-CIO

Chairman Lautenberg and members of the subcommittee, we welcome this opportunity to testify in support of more stringent security measures that we believe are needed, here and abroad, to protect the lives of American citizens. The Association of Flight Attendants represents 24,000 flight attendants at 18 carriers nationwide who must deal with flight security on a daily basis. We are the last line of defense in the event of hijackings, bomb threats, and other terrorist or violent acts. Our members have been forced to face many hijacking and bomb threat situations, and the AFA has worked closely with the FAA, FBI, ALPA and other industry groups in developing a "Common strategy" against hijacking attempts.

In the wake of the tragic downing of Pan Am Flight 103, we have been alarmed at the apparent lack of communication and coordination among those Federal agencies responsible for the collection, analysis, and dissemination of critical threat information. We hope these agencies commit themselves to improved coordination.

Whether or not the December 5 call to the U.S. embassy in Helsinki can be connected to Pan Am 103, it is troubling that it took the State Department two days or possibly longer to notify the FAA, Pan Am and the Frankfurt airport authorities. After the transfer of this information, the FAA and the State Department appear to have held different assessments of the seriousness of the threat and did not communicate with each other. Consequently, both FAA and Pan Am believed that existing security measures at Frankfurt were sufficient to meet the threat. It is uncertain even now if Frankfurt baggage handlers and security screeners were informed of the threat. Needless to say, the flight crew, flight attendants, and the passengers were not informed of the fact that their flight might have been in immediate peril, even though the State Department issued a security bulletin for the benefit of U.S. embassy personnel on December 7.

We believe flight attendants should be informed of threats that may jeopardize the safety and security of their flight. Although FAA regulations set guidelines for carriers to follow in the event of security threats made against a specified carrier and flight number, the FAA leaves crucial security decisions to the discretion of the airline when a threat is nonspecific, as in the case of Pan Am 103. This undermines the purpose of the Ground Security Coordinator/Inflight Security Coordinator program (FAR 108.10), which is designed to get important security information to the crewmembers. The FAA should develop a uniform protocol under which flight attendants will be alerted of a possible terrorist attempt. Upon receipt of this information, the flight attendants can be particularly vigilant in their assessment of passenger behavior, carry-on baggage, bags left on board at through and termination stations, and ramp activity.

In a recent incident, a carrier was informed of a threat, not by the FAA, but through other channels. The threat did not specify a carrier or flight number, but did specify the date and the route of the flight. The carrier briefed most flight and cabin crews working that route, but failed to inform the flight attendants working the route later in the day. The flight attendants consequently learned of the threat second-hand, and also of the fact that other crews on that route had been briefed all day. When the carriers' personnel refused the flight attendants' request to hand-search all checked baggage, the flight attendants chose not to take the flight. This kind of problem could be prevented if the FAA developed a protocol for notifying flight attendants of threats, and this protocol was strictly followed.

Should passengers be informed of a security threat? While we do not approve of the government selectively informing groups of privileged passengers, as happened in the Pan Am case, we would prefer that the government concentrate on making our planes more secure, rather than informing passengers of difficult-to-interpret security threats. In order to make air travel more secure than it is today, we recommend the following changes:

- Flight attendant security training must be improved. This training often consists of outdated, unrealistic and repetitive videotapes with little emphasis on terrorism. In addition, these courses rarely involve interaction with an instructor. Having a qualified instructor there who can answer questions would add significantly to the effectiveness of the training.
- The FAA should require a full complement of flight attendants on board an aircraft while at the gate at intermediate stops. The regulations presently allow for a reduction in the number of flight attendants during these periods. This could play into the hands of terrorists, hijackers and disturbed individuals. For example, a 727 with 150 seats can be boarded at an intermediate stop with one flight attendant on board, instead of the normal three. That lone flight attendant simply cannot adequately monitor the entire aircraft for suspicious behavior, such as the passenger who boards, leaves a bag, and gets off the aircraft.
- The FAA should ensure that security screeners are motivated and adequately trained given their responsibility to the travelling public. Security screeners are missing too many weapons, as recent FAA fines demonstrate. In one case reported by the Government Accounting Office, a screener did not identify a test weapon even though the screener had picked it up and visually inspected it. Training records revealed that the screener had, in fact, seen this particular test weapon during training. GAO has also found up to a 100% annual turnover in the work force at some airports due to poor working conditions and wages.

- The FAA should expedite the procurement of Thermal Neutron Analysis detection devices and other sophisticated technologies that detect plastics. We find little comfort in knowing that in 2 years, only six TNA devices will be in place.
- The FAA should promote the on-time implementation of computer card access systems which can cancel unauthorized cards. The agency should not fall prey to carriers' requests for extensions based on cost concerns.

We would also urge Congress, through closed-door hearings, if necessary, to re-evaluate the current disparity between security here at home and security overseas. Are we really so safe here from terrorists? And what about the estranged spouse who wants to blow up a plane to collect insurance? Has the FAA considered a passenger/baggage match program and x-ray analysis of all checked baggage, at least at all Category X airports, here in the United States?

We often hear aviation security professionals say "It's just a matter of time" before the United States is confronted with terrorism on it's own soil. We were disturbed by the story of a purported Japanese Red Army terrorist who allegedly used a false passport to enter our country and remained for a month acquiring the raw materials necessary to construct bombs. According to news accounts, the alleged terrorist might have succeeded in his grisly task had it not been for a policeman who apprehended him for a minor violation and found three high explosive bombs in his automobile.

Let us not kid ourselves about what could happen here in the U.S. Perhaps if we bit the bullet and instituted stricter security measures now, we would not be forced to implement "El Altype" security in the U.S. after a domestic flight is tragically blown up.

We appreciate this opportunity to express our concerns to you.

I would be happy to answer any questions the subcommittee may have.

AIRLINE PILOTS ASSOCIATION

STATEMENT OF CAPT. LUKE BRADLEY, CHAIRMAN, FLIGHT SECURITY COMMITTEE

Senator LAUTENBERG. We will hear now from the Pilots Association.

Mr. BRADLEY. Yes, Senator; for Captain Duffy who is not able to be here today because of other duties, I am Capt. Luke Bradley, Chairman of the Airline Pilots Association Flight Security Committee.

Senator LAUTENBERG. Are you an active pilot?

Mr. BRADLEY. Yes, sir; I am an active pilot. I fly the line.

Senator LAUTENBERG. What kind of aircraft do you fly?

Mr. BRADLEY. I fly A-310 air buses right now.

Senator LAUTENBERG. With overseas capability?

Mr. BRADLEY. Yes, sir; I fly to a number of places in the world.

ALPA, which represents over 41,000 pilots who fly for 46 airlines, appreciates the invitation to share with you the pilots' perspective on the current state of security. This, by the way, will be a brief summary, and you do have our full statement.

Today I would like to address three aviation security subjects: airport access control security screening, threat notification to flightcrews, and explosive detection technology.

Unfortunately the aviation industry has demonstrated a propensity for waiting until after an accident occurs before taking action to correct known problems, and then often takes the wrong course of action or overreacts. PSA Flight 1771 and perhaps to a lesser extent Pan Am Flight 103 were victims of this behavior.

In both cases, the industry failed to address shortcomings in the aviation security system because of a mindset which says that it has not happened here yet, so we do not have to worry about it until it does. ALPA believes that passengers flying on U.S. aircraft

deserve better protection than the safeguards which this attitude engenders.

What allowed this heinous crime to be committed on PSA Flight 1771 was a lack of controls over employee identification. All evidence from the case points to the probability that this employee, who had been recently fired, still possessed identification which allowed him to bypass the security screening checkpoint. I will come back to this point shortly.

Immediately after the downing of PSA 1771, then-Secretary of Transportation Burnley issued an emergency directive prohibiting the bypass of screening checkpoints by airline employees, including flightcrews. We believe, and continue to believe, that this measure served no purpose other than to mislead the public into thinking we were doing something.

In our estimation, the screening of flightcrews actually diminishes security by expending money, time, and effort on those employees who are the least likely to hijack an aircraft or maliciously harm their passengers. We would do better to commit our limited security resources to more productive measures.

Concerning the problem of improving airport access control, in early January of last year we recommended to Secretary Burnley that the Department require installation of computerized access systems at airports.

We are pleased to note that shortly after our recommendation, the FAA issued a notice of proposed rulemaking to amend Federal Aviation Regulation Part 107 to require certain airports to install these types of systems. While we believe that the installation of advanced access controls will provide genuine benefits to security, the final rule on this issue, which became effective on February 8, 1989, is deeply flawed.

The problems with the rules include the following: There is no requirement for the various computerized systems installed by airports to be compatible with each other or to share common technology. As the final rule is written, airport operators are not required to install card readers at screening checkpoints, thereby negating one of the most obvious benefits of these systems.

According to the airport organizations' calculation, the cost of the new system has been underestimated by DOT and FAA by as much as a factor of 3 to 10, depending upon who you talk to. Even if the airports, airlines, and Federal Government find some way to overcome the problems of the final rule, we still will not realize the goal of improved access control at all of the affected airports until late 1992 at the earliest.

In the meantime, lax control over identification cards currently issued to airline employees will be perpetuated. In order to address these deficiencies we recommend the following actions be taken as expeditiously as possible: require that the FAA immediately write a new standard for the issuance and control of existing identification cards by airports and air carriers. Once the new standard is fully implemented, remove the prohibition on bypass procedures for in uniform, properly identified flightcrews and other employees.

Create a permanent high-level Government industry task force of aviation security to address the access control rule and provide

future recommendations to the Transportation Secretary and FAA Administrator.

While there is still some debate as to who, if anyone, is at fault for not notifying the flightcrew of Pan Am Flight 103 of a specific threat against the flight, if there was one, this much is certain: neither flightcrew nor groundcrew was notified of any unusual security threat, which would have prompted their taking additional precautions to prevent the carriage of an explosive.

The primary use of the threat information by the FAA involves a program which utilizes air carriers to assume the role and responsibility of ground security coordinators, or GSC's, who are responsible for ascertaining that the threat information received by the airline's corporate or flight operations executives is provided and used by the flight and ground crews working a particular flight.

Unfortunately, not all of our GSC's are receiving the threat information provided by the FAA to the carriers. A companion measure to the GSC's efforts is the inflight security coordinator program, the roles and duties of which are assumed by captains. ISC's are responsible for utilizing the threat or security information received by the GSC's.

And I am sorry, I just have one more.

Senator LAUTENBERG. Read fast.

Mr. BRADLEY. Unfortunately the ISC program has not been formally presented to all captains and the FAA has not yet completely developed or released a training program which it possesses for the purpose.

The remainder of the testimony is in the large testimony and I think it would probably be better if I answered any questions you have.

[The statement of Henry A. Duffy follows:]

STATEMENT OF HENRY A. DUFFY, PRESIDENT, AIRLINE PILOTS ASSOCIATION

I am Captain Henry A. Duffy, president of the Air Line Pilots Association (ALPA). I am accompanied today by Captain Luke Bradley, Chairman of ALPA's Flight Security Committee. ALPA, which represents over 41,000 pilots who fly for 46 airlines, appreciates the invitation to come before this subcommittee today to share with you the pilot's perspective on the current state of civil aviation security and our recommendations for continued improvements.

Today, I would like to address three distinct aviation security subjects, namely access controls at airports, threat notification to flight crews, and the need for new technology to detect explosive devices.

Unfortunately, the aviation industry has demonstrated a propensity for waiting until an accident has occurred before taking action to correct known problems and then, all too often, either takes the wrong course of corrective action or overreacts. PSA flight 1771 and, perhaps to a lesser extent, Pan Am Flight 103 were victims of this behavior. In both cases, the industry failed to address shortcomings in the aviation security system because of a mindset which says that, "It hasn't happened here yet, so we won't worry about it until it does." ALPA believes that passengers flying on U.S. aircraft deserve better protection than the safeguards which this attitude engenders. Many lives depend upon the actions this august body and others will take within the next few weeks and months.

ACCESS CONTROLS AT AIRPORTS

The heinous crime committed on PSA flight 1771 has become a landmark event in the history of U.S. civil aviation security, and rightly so. It served to remind us that we are not, and never will be, immune to attacks on commercial aircraft, by either outside or inside operatives.

On this flight, a disgruntled USAir employee decided to end his employer's life and his own, and, in so doing, took the lives of the flight crew and passengers. What allowed this shameful act to be perpetrated was lack of controls over employee identification. All evidence from the case points to the probability that this suicidal employee, who had been recently relieved of his duties by his air carrier, still possessed identification which allowed him to bypass the security screening checkpoint. I will come back to this problem in a few minutes.

Immediately after the downing of PSA 1771, then-Secretary of Transportation Burnley issued an emergency directive prohibiting the bypass of screening checkpoints by airline employees, including flight crews. I informed Secretary Burnley that we would accept this measure only on an interim basis and denounced it as a political "Band-Aid." We believed then, and continue to believe, that this measure served no purpose other than to mislead the public into thinking that we were "doing something."

Please do not misunderstand. ALPA supports any and all measures which will genuinely improve the state of aviation security. In our estimation, however, the screening of flight crews actually diminishes security by expending money, time, and effort on employees who have never hijacked or maliciously attacked an aircraft or its passengers. The absence of any clearly defined threat or precedent coupled with, in many cases, a demeaning screening procedure (due to the high visibility of the pilot in uniform), is lowering the threshold of tolerance for screening on the part of many of our members. Since the implementation of airline employee screening, a number of pilots with otherwise sterling employment and civic records have been charged with civil disobedience and/or criminal charges. We know of pilots who have undergone strip searches, others who have been abusively pushed against walls and patted down, some have been arrested and at least one was jailed. These incidents have almost invariably occurred because of a lack of understanding on the parts of the screeners as to what constitutes proper screening and failure to remain within the constraints of professional behavior while fulfilling their duties. Instigating these altercations, in many instances, are quarrels with the flight crews over their carriage of tools of the trade (i.e., small tool kits which contain screwdrivers, flashlights, pocketknives, etc.) and pieces of metal which constitute part of their uniforms. Despite repeated communications of these problems to both the FAA and the carriers, the incidents continue unabated.

Further, our members do not fail to recognize the double standard inherent in the current screening procedures. Highly educated, professional pilots who must pass a battery of pre-employment psychological examinations are subjected to searches of their person and belongings; conversely, catering and aircraft service personnel who are regularly hired off the street with nothing more than a scant background check are subjected to no such screening and are given easy access to the aircraft which our members fly. Armed law enforcement officers, utilizing uniforms and identification—as our pilots previously were allowed to do—routinely bypass security checkpoints while armed. We think it is critical that a re-evaluation of current flight crew screening procedures be made by the Department of Transportation, with an eye toward developing more effective ways of utilizing the limited resources we have to combat terrorism.

Concerning the problem of improving airport access control, in early January of last year, I recommended to Secretary Burnley that one effective measure to be taken would be installation of computerized access systems at airports. As we envisioned the system, airline employees would be issued identification cards which would allow them access to specified control points on those airports to which they travel. We were pleased to note that shortly after our recommendation, the FAA issued a Notice of Proposed Rulemaking to amend Federal Aviation Regulation Part 107 to require airports to install these types of systems.

While we continue to maintain that the installation of these systems will provide genuine benefits to security, the final rule on this issue, which became effective on February 8, 1989, is deeply flawed. Problems with the rule include the following:

1. There is no requirement for the various computerized systems installed by airports to be compatible with each other or to share common technology. While such an omission does not affect employees stationed at a particular airport, flight crews will be very inconvenienced by the necessity of carrying several different access cards for use at various airports.

2. At the time of our proposal, we had envisioned that one use of these systems would be to provide control at each access point, including the screening checkpoint. Once installed at these locations, we anticipated that the airline employee's identification card could be used to access the sterile concourse without the necessity of x-ray and magnetometer screening. As the final rule is written, airport operators are

not required to install card readers at screening checkpoints, thereby negating one of the most obvious benefits of these systems.

3. According to the airport organizations' calculations, the cost of the new systems has been greatly underestimated. The Airport Operators Council International and the American Association of Airport Executives have informed us that the FAA's projected costs of $170 million for the affected airports over a 10-year period is underestimated by a factor of three or more. Additionally, the source of funding for the systems is unresolved and no new Federal funds have been allocated. A major source of concern to the airports, and one which is not addressed by the rule, is the fact that asbestos will need to be removed during the installation process at many airports. Asbestos removal is extremely expensive, time-consuming and disruptive to normal operations. The DOT/FAA's failure to even consider this problem was a major oversight.

In addition to these problems, FAA has not yet issued to the industry any guidance on how the airports' installation plans should be written, which access points should be equipped or how to select equipment. Neither has the agency addressed a myriad of other questions.

Even if the airports, airlines and the government find some way to overcome the enormous obstacles to installing the requisite computerized access controls under the timetable called for by the final rule, we still will not realize the goal of improved access control at all of the affected airports until late 1992 at the very earliest. In the meantime, we perpetuate lax control over identification cards currently issued to airline employees. While some airports and airlines have been very diligent in maintaining control over identification cards, they appear to be in the minority. We know of pilots whose identification cards are more than 20 years old and bear outdated, even erroneous information. Literally hundreds of identification cards are still possessed by non-valid card holders, including fired employees and those no longer working at an airport. The danger is, of course, that such pieces of identification could easily be used by the criminal element against the security of the aviation system.

RECOMMENDATIONS

In order to address the deficiencies I have described, we recommend that the following actions be taken as expeditiously as possible:

1. Require that the FAA immediately write a new standard for the issuance and control of identification cards by airports and air carriers. The criteria should include such items as: a mandatory expiration date of 1 year on all cards with a method of easily identifying those cards which have expired; a plain picture of the card holder; a means of accounting for 100 percent of all cards issued; a means of collecting all cards which are in the possession of card holders denied access; and, as appropriate, easily visible coding on cards (by color or some other means) which readily identifies the airport areas to which the card holder is allowed access; and, documentation and proof of compliance with this standard to the FAA. We anticipate that many of the carriers and airports will have to do very little to comply with such a standard but there is a great need for uniformity in this area.

2. Once the new identification card standard is fully implemented, remove the prohibition on bypass procedures for flight crews and other uniformed airline employees. Using the previous combination of a uniform and valid identification card with positive card/card holder match, we are certain that security will not be diminished and will, in fact, be enhanced for the reasons I have previously stated.

3. Create a permanent, high-level government/industry task force on aviation security that utilizes the input of airline employees, air carriers and airports to provide a constant source of security information and viewpoints to the Transportation Secretary and FAA Administrator. The task force's first objective would be to completely review the final rule of the amendment to FAR Part 107 concerning access controls to: identify those airports which need to be covered by the rule; identify areas of financial and operational impact; establish realistic timetables; and, establish appropriate criteria to be met by both the system designer and Federal evaluator. The effective date of the final rule would be suspended until such time as the review has been completed and the rule amended to reflect the recommendations of the task force.

NOTIFICATION OF THREAT INFORMATION TO FLIGHT CREWS

The lessons to be learned from Pan Am flight 103, like PSA flight 1771, involve addressing problems as they become apparent, not waiting until lives have been lost and a public outcry is heard.

Not all of the facts are yet in on the precise methodology used by the terrorists responsible for planting the explosive device on Pan Am 103. However, we can be fairly certain that the crew of the flight was not notified of any unusual security threat which could have prompted their taking extraordinary precautions to prevent the carriage of the explosive. It is not appropriate for ALPA to engage in a debate over what party or parties may have failed in their duties to inform the crew of an extraordinary threat if, in fact, positive threat information was known by the carrier or Federal Government prior to the flight of 103. What I prefer to address is improving the way in which threat information is collected by the FAA, disseminated to the carriers and further distributed to the operational level.

One of the FAA's major functions in security is to collect and distribute threat information which has the potential for affecting the safety of commercial aviation. This is accomplished by maintaining liaisons and obtaining information from various sources, such as the State Department and FBI at the Federal level, and the state and local police at lower levels of government. The information received is analyzed, downgraded as appropriate prior to dissemination and sent to the air carriers for their use.

While we believe that the FAA generally does a good job of collecting and disseminating threat information, we have some strong concerns about the way in which the information received by the carriers, both from the FAA and outside sources, filters down to the operations level. There is an FAA-mandated program in place which uses air carrier employees to fulfill the role of Ground Security Coordinators (GSC's) GSC's are responsible for ascertaining that the threat information received by the airline's corporate or flight operations executives is provided to the flight and ground crews working a particular flight. They also make operational decisions based upon their knowledge of security and the specific threat. Unfortunately, this program has fallen into disarray. Few pilots can recall the last time that a GSC actually briefed them on the security status of a particular flight. Relatedly, not all GSC's are receiving the threat information provided by the FAA to the carriers. As we understand it, threat information sent by the FAA to the carriers' headquarters is not always received at the working level. Obviously, the GSC's cannot perform their duties to satisfaction if the information needed to perform the tasks is absent.

A companion measure to the GSC's efforts is the Inflight Security Coordinator (ISC) program, the leadership role and duties of which are assumed by the captain. ISC's are responsible for utilizing the threat or security information received by the GSC's for briefing the crew and instigating additional measures to ensure the safety of the flight, such as making additional aircraft cavity inspections and securing the aircraft through other procedures. Unfortunately, the ISC program has never been fully implemented. In fact, some line captains have not yet received formal training for this function and, as a result, are not cognitive of their duties and responsibilities as the ISC. It is our understanding that an ISC training program was written and presented to the FAA but it has not yet been adopted by the agency.

RECOMMENDATIONS

We recently informed FAA's Office of Civil Aviation Security of our concerns in this area. For the benefit of this subcommittee, I would like to share with you the recommendations that were made to that office.

1. Make all FAR Part 108 air carriers responsible for determining that GSC's are provided whatever threat information is available for each flight. Vital information received at the corporate level must be given to the GSC's in a timely fashion in order for the ISC's, flight crews and ground crews to take such preventive measures as may be necessary to ensure the safety of each flight.

2. Create guidelines for the air carriers to follow which will ensure that: all threat information received by them is being properly channeled to each flight; there is an active dialogue between the GSC's and ISC's, regardless of whether there is an active threat against the flight; and, there exists some means of determining and maintaining the effectiveness and consistency of the GSC program.

3. Re-examine and adopt the ISC training program, or a variation thereof, which the FAA currently possesses. Then, require air carriers to provide this training to the designated ISC's on both initial and recurrent bases.

NEED FOR NEW TECHNOLOGY TO DETECT EXPLOSIVES

I would like to briefly share with you some thoughts on improving—through the use of technology—our posture against the threat of another explosion on a commercial aircraft. The FAA is coordinating the development of a variety of explosive

detection equipment, a fact which seems to hold some promise for the future. For example, a Thermal Neutron Activation (TNA) device has been tested on 40,000 bags and has demonstrated an ability to detect all kinds of explosives with a 95 percent rate of accuracy. The FAA has ordered several of these devices and will no doubt order more in the future. Another type of device uses "sniffer" technology, whereby the air around passengers and bags can be sampled to detect minute traces of chemicals released by explosives. Neither of these devices is dependent on human subjectivity and therein lies their promise of better detection.

We are encouraged by both these types of new technology and call on the FAA to continue bringing them to maturity and, further, to explore other types of technology which may be even more effective. In the interim, the Federal Government must work to ensure that all current technology is brought to bear on the problem of explosive detection as soon as possible. There are now on the market some advanced types of x-ray equipment which, while still dependent upon human judgment, are capable of detecting many types of explosive materials, including plastics. We urge the Federal Government to assist the air carriers, as appropriate, in the purchase and installation of this equipment which can be an effective tool until such time as better technology becomes readily available.

In closing, I appreciate being afforded the opportunity to present our viewpoints on some of the difficult issues which face our industry in the light of the current security threat against aviation. I would be pleased to respond to any questions you may have.

Senator LAUTENBERG. I appreciate the fact that all of you waited so long to present your views that are very important to us. Because you, not less than any other passengers, have the same concerns and the same fears as anyone else.

You are, in many ways, the last line of defense. It has been said to us, Captain, that airplane captains are in fact the flight security officers.

Mr. BRADLEY. The in-flight security coordinator.

Senator LAUTENBERG. It is a little late. If you will forgive me, I do not want to make a joke out of something so serious. But if you have got a bomb aboard or a bomber aboard, it is going to be pretty tough to avert tragedy. And we know that everyone of the explosions that have taken place aboard airplanes have not necessarily downed the aircraft. But we do know that in a couple of instances, it took them out of the sky with everybody aboard, passengers and crew.

So we have a particular focus with you.

Now, are you familiar with the United Airlines Newark-Los Angeles flight that, in early January, did not fly because the crew revolted, the cabin crew. They said we are not going to fly this thing. Are you familiar with that incident?

Mr. BRADLEY. Yes, sir; I am.

Senator LAUTENBERG. And you, Ms. Lenoir, are familiar with it?

Ms. LENOIR. Yes, sir.

Senator LAUTENBERG. What rights do flight attendants have in such a situation, or flightcrew, what rights do they have when they hear or they have reason to believe that their airplane may be attacked? Do they have a right to say no?

Mr. BRADLEY. If you would like my opinion on it, sir, I believe that everyone is entitled to. No one is—we are not in the service, we are not armed militants. We are civilians. And we are not required to take additional risks, nor are our passengers required to take any additional risks.

Senator LAUTENBERG. Well, if you take the risk, everybody takes the risk.

Mr. BRADLEY. Well, I do not believe I am entitled to put anyone at risk. My job as—call me an in-flight security coordinator or call me a captain, my job is to see that that airplane safely takes its passengers from one place to another.

If the flightcrew is not all well informed, then, you do not have a full team. Everyone from the back of that airplane to the blunt end has to be informed.

Senator LAUTENBERG. So as the captain and skipper of the ship, if someone, a couple of people, came to you and said, look, this is what we have heard, this is what FAA has said, we do not want to fly this airplane. Would you be likely—would you be responsible for assessing the value of that information and making a decision?

Mr. BRADLEY. Yes; I would.

Senator LAUTENBERG. And you would not fly if you thought there was a serious threat to the airplane?

Mr. BRADLEY. Absolutely not.

Senator LAUTENBERG. I assume neither one of you would disagree with that?

Ms. LENOIR. We would not. And I do not presume to speak for Mr. Moreau. I would just offer the captain my heartfelt thanks on behalf of our flight attendants for his generosity. There is no current statutory protection for flight attendants who feel that their lives are in jeopardy, or, indeed, that their flights are in jeopardy.

And we would take this opportunity, self-serving though it may seem, to thank Senator D'Amato for offering up tomorrow his bill that would do just that, protect crew members, flight crew members, flight attendants.

Mr. MOREAU. If I may, Senator, that question is one I answer four or five times a day to our flight attendants: Am I required to take a flight that I feel is unsafe? And my answer to them is this: You have the absolute right not to board that aircraft if you feel your health and safety are in danger. But you had better be prepared to stand up for that right, because the carrier has in the past and may be expected to take disciplinary action against you that may include the loss of your job.

And we have incidents on the property of flight attendants being disciplined for refusing to take flights with bomb threats on them. We have had incidents of flight attendants disciplined for notifying the FAA, not of a security violation, but of alleged safety violations.

So I have to answer the flight attendants in that manner.

Senator LAUTENBERG. I understand. We are trying to distinguish between information that is reliable, that does deal with sabotage and not just, I do not want to fly more than 2 hours because of smoking. And I am about to fix that as well.

Do flightcrews want to be informed about a potential security problem?

Mr. BRADLEY. Yes, sir; we are part of the system.

Senator LAUTENBERG. What is required of carriers when briefing crews regarding safety and threats?

Mr. BRADLEY. The FAA gives the corporate security entity the information. The corporation then has the authority to distribute that as they will.

Now, almost every carrier does this differently. There is no set procedure from the time information gets to the corporate security to the time it is implemented in whichever way they implement it. It is up to them.

Senator LAUTENBERG. Should there be a standard?

Mr. BRADLEY. Yes; I believe so.

Senator LAUTENBERG. That sounds right to me. I am not supposed to venture an opinion, but we do here. And the standards ought to be agreed-upon standards by all the interested parties I would think.

Mr. BRADLEY. Yes, sir.

Senator LAUTENBERG. What protections are there for a flightcrew who says, hell no, we won't go?

Mr. MOREAU. The Railway Labor Act and the arbitration procedures that are involved in that, and that is it.

Ms. LENOIR. And probably the grace of God.

Senator LAUTENBERG. I wanted to ask you one last thing, Captain Bradley. Are you aware of whether or not the captain or the crew on Pan Am 103 was notified that a threat might exist?

Mr. BRADLEY. In the case of the Pan Am crew of 103, there was no threat that was publicized. There was nothing on the security wire board that was available to them.

Senator LAUTENBERG. Are you knowledgeable enough about these things? Are you experienced enough about these things to be able to ascertain whether conditions would have suggested that that captain be notified?

Mr. BRADLEY. As near as my investigation has gone, and with the resources that are available to me, and sometimes I have to——

Senator LAUTENBERG. You are speaking for ALPA now?

Mr. BRADLEY. I have to take rather devious routes sometimes to get to the truth. All things are not made available to me. As near as I have been able to determine, after December 12, there was considered no threat on any of the flights. However, some seasonal precautions had been taken. But there was nothing at that time to notify the crews.

Senator LAUTENBERG. And you are not suggesting that there maybe should have been?

Mr. BRADLEY. I have not been able to uncover anything that was specific.

Senator LAUTENBERG. OK. Thanks very much.

Mr. Moreau, you have said the Pan Am system of notice to flight attendants had broken down prior to the 103 departure that day?

Mr. MOREAU. Yes, sir; when the news, the press stories came out about there being a security threat, the first question from the flight attendants to us: Why weren't we notified? We looked into that and found out that no one in our entire department was notified of this wire.

We cannot find out from our resources where this particular wire went, but we discovered something else. Even had that wire come through under the normal procedures, it probably would not have gotten to the flight attendants anyway because the people who are normally responsible for briefing, the supervisors, were removed from the briefing areas for cost-cutting measures.

And the pursers and the flight attendants were expected to handle their own check in.

Now, if something serious, up front, happened at that moment, the chances are that they would have been briefed. However, had it been a normal security wire, that ALPA had a procedure in place for it, we would not have been notified.

Since the 103, that procedure has been strengthened and has been put back into place.

Senator LAUTENBERG. Thank you.

Senator D'Amato.

Senator D'AMATO. Mr. Chairman, it is obvious from the testimony of the witnesses that there was little if anything as it relates to an active policy and procedure dealing with threats, threat assessment, that would involve those on the front line. And that there have been some changes subsequent, but only as a result of the terrible tragedy.

And the question is, are those procedures sufficient? I do not believe, from the testimony that we have heard today, Mr. Chairman, that comes from not only these witnesses in this panel, but even the FAA, that they have sufficiently.

And our so-called counterterrorism unit in the State Department, developed a kind of feature that can give anyone any kind of confidence that we can give keep or have a likelihood of detecting and diverting the same kind of situation that has taken place on Pan Am 103.

I do not like to be an undue alarmist. I think if one reads the record carefully, there is very little comfort that can be given as it relates to substantial improvements in dealing with what is an ongoing threat to the United States, to air carriers in particular, to our citizens, that is posed by various terrorist groups and radical elements throughout the world.

And so I think there is a lot of work that has to be done. And we were just barely scratching the surface. You have got a lot of things at play here. There are economic interests, and very valid ones to be sure, and very legitimate differences of opinion as to what is the best way, how do you get notice, how do we really rate this so-called threat. What is a credible threat?

When I hear testimony that there has never been an indication where a plane has been told by the FAA not to take off. It would seem to me that this threat assessment program that they have is somewhat lacking.

I cannot believe it.

So, Mr. Chairman, I think we owe our witnesses a great deal of thanks for their coming and for their testimony. And I would hope that we could continue to draw upon them and their expertise in the future to see if this committee, under your leadership, can't continue to prod the administration both here on the domestic level, and particularly on the international level, to do more as it relates to the kinds of security that is going to come about, one way or the other, sooner or later.

And I would hope we would begin to implement these necessary reforms not by weight of future tragedies, but in recognition that there will be future incidents and that we can minimize and deter them from taking place if we would undertake a very real policy of

review and implementation of the kinds of things we can do now. And the bringing in of the equipment and the necessary equipment when and where they can best be used. And marshaling our scarce resources and using them in the most appropriate manner.

And I have to share a thought with you. I really do think the new Secretary of Transportation would welcome and would invite and needs the kind of input that you can and are willing to share.

I mentioned that to the past group. He is in transition right now. I do not believe that he has brought on board more than a handful of his administrators. And so I would hope that you would be in the position and he would in the future to share some of your very real onsite concerns. And that which you know far better than we do as legitimate concerns that can be dealt with, and they should be.

And I thank the panel for their testimony.

Senator LAUTENBERG. Thank you very much, Senator D'Amato.

Did you want to say something?

Mr. FINUCANE. Yes; I was just informed that there is a husband of a flight attendant who was on that plane, who would just like to address, for a moment, the notification issue. His name is Frank Rosenkranz.

Senator LAUTENBERG. Come up to the table.

STATEMENT OF FRANK ROSENKRANZ

Mr. ROSENKRANZ. I am not American and so I hope my English is understandable. My wife was Spanish and I am German. She used to work for Pan American, 17 years, and she was on that Flight 103.

I am sure, if she would have been told in a briefing, she would not have started working on that flight like everybody else. So I would like to ask the union, the flight attendants union as well as the air pilots, if what they said today, that the flightcrew has not to be informed for cost reasons, or was not informed, is this really true, the standard procedure up before December 21.

Because from the information that I am receiving, everybody, I mean, as you said it, Senator, the captain is in charge of security on the plane. So, because of this, if FAA regulation requires that they have to be informed, I mean, as a security body on the plane, so there is a gap in between what is required and what is corporate procedure. And what had happened at that particular day, and maybe many days before, so it is just logic if I say, if everybody would have been informed, the flightcrew, they probably would have refused or would have, OK, I still take the risk, I need the money, I carry on working. But in my case, my wife definitely would not have been working on that flight. And she would be here alive.

That is all I wanted to say.

Senator LAUTENBERG. Thank you very much.

The one point that is very well made is if the crew did not fly, the airplane would not have flown that day. We cannot look back. It is too hard a burden to carry to say, what if.

We heard Captain Bradley say that to his knowledge, and we are going to continue to investigate, there was no information that

would have dissuaded the pilot from taking that flight and the crew.

Mr. BRADLEY. I can assure you, sir, that knowing Jim McCory for as long as I have, he would not have taken the flight if he had had any indication whatsoever of any kind of threat.

Senator LAUTENBERG. I want to say this to you in closing. I know a lot of people who you work with. I met them over the years. I am very interested in aviation. We have seen examples of incredible courage and composure by your colleagues, the cabin crew, the cockpit crew, the recent United flight, the Aloha flight, the TWA flight in which Seaman Stetham was killed, where the stewardess exhibited incredible presence and courage. And I feel good about having people like yourselves taking charge, and coming to deal with your responsibilities.

But the one thing that we want to do is to make sure that they have the notice and that they have the tools to work with. Your judgment is judgment that comes from lots of years of seasoning, especially in the cockpit, because very few people get to be second officers or captains, engineers, et cetera, without having put a lot of time in. Much of that is also true of those who are the supervisors inside the cabin.

So we respect your knowledge and respect your experience and respect your ability to respond in crisis. But you cannot do it with your arms and legs tied. And we do not want you to do that.

We thank you very much for being here this day.

We may call on you for answers to questions.

SUBCOMMITTEE RECESS

This subcommittee has its next hearing on Thursday this week, the 16th, at 10 a.m., room 138. The National Highway Traffic Safety Administration and the Research and Special Programs Administration will be meeting.

I thank Senator D'Amato for his participation today as well.

[Whereupon, at 5:35 p.m., Tuesday, March 14, the subcommittee was recessed, to reconvene at 10 a.m., Thursday, March 16.]

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